

definite leave for aged employees of postal service; to the Committee on the Post Office and Post Roads.

By Mr. MORIN: Petition of the Pennsylvania Prison Society, in favor of appropriation of \$500,000 for establishment of institution for treatment of the feeble-minded; to the Committee on Appropriations.

Also, petition of Defiance Machine Works, for locating Government armor plant at Defiance, Ohio; to the Committee on Military Affairs.

Also, petitions of F. J. Sweeney, J. W. Sherrer, J. W. Windsor, George A. Urling, jr., George A. Urling, C. A. Painter, W. W. Merkel, all of Pittsburgh; and S. G. Stoothoff, of Wilkinsburg; G. A. Bell, of Carnegie; F. V. L. Handy, of Sewickley; and R. R. Travis, of Blairsville, all in the State of Pennsylvania, in favor of investigations of Standard Oil Cos. and export tax on gasoline; to the Committee on Ways and Means.

Also, petition of Wilfred Lewis, of Philadelphia, Pa., in opposition to House bill 8665; to the Committee on Appropriations.

Also, petition of the Anti-Imperialist League of Boston, Mass., in favor of Philippine bill; to the Committee on Insular Affairs.

Also, petition of Pennsylvania Chocolate Co., of Pittsburgh, Pa., in favor of Stephens-Ashurst bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of William H. Mercer, of Pittsburgh, Pa., in favor of section 56, Chamberlain bill; to the Committee on Military Affairs.

Also, petition of C. E. Brown, Esq., of Pittsburgh, Pa., in favor of adequate preparedness in military affairs; to the Committee on Military Affairs.

Also, petition of J. B. Nettle, of Pittsburgh, Pa., in favor of section 56, Chamberlain bill; to the Committee on Military Affairs.

Also, petition of A. M. Hananer, of Pittsburgh, Pa., in favor of section 56, Chamberlain bill; to the Committee on Military Affairs.

Also, petition of Dr. Chevalier Jackson, of Pittsburgh, Pa., in favor of adequate provisions for Medical Corps and Medical Reserve Corps; to the Committee on Military Affairs.

Also, petition of Leslie M. Johnston, of Pittsburgh, Pa., in favor of section 56, Chamberlain bill; to the Committee on Military Affairs.

Also, petition of interstate committee, for suppression of pine-blisters; to the Committee on Agriculture.

Also, petition of Star of Oakdale Council, No. 165, of Oakdale, Pa., in favor of House bill 558; to the Committee on Immigration and Naturalization.

By Mr. O'KEY (by request): Petition of German-American Alliance of Hartford, Conn., for the speedy passage of House bills 81, 3614, 4741, and 6083, amending the naturalization laws of the United States; to the Committee on Immigration and Naturalization.

Also (by request), petition of German-American Alliance of Hartford, Conn., protesting against the passage of a national prohibition amendment; to the Committee on the Judiciary.

By Mr. PLATT: Petition of sundry citizens of Newburgh, N. Y., on freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. RAINEY: Petition of G. Lock and other citizens of Beardstown, Ill., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Martha Brokaw and other citizens of Rockport, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of sundry citizens of New York, favoring preparedness; to the Committee on Military Affairs.

Also, petition of John D. Spellman, favoring bill for retirement of employees of postal service; to the Committee on the Post Office and Post Roads.

Also, petition of the Peoples' National Bank, favoring the uniform bill-of-lading act; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of New York City, favoring passage of the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SCULLY: Memorial of Trenton Chamber of Commerce, against Government ownership of armor plants; to the Committee on Military Affairs.

Also, memorial of Illinois Commandery of Military Order Loyal Legion and Military Engineering Lectures; Union League Club, of Chicago, Ill.; and Fifth Avenue Association on National Defense, favoring preparedness; to the Committee on Military Affairs.

By Mr. SNELL: Petition of Elizabeth B. Moore, Anna B. Mason, Mrs. L. L. Shedden, Emma C. Cole, Mrs. James Shaw,

Minnie L. Parkhurst, and Erminia J. Hall, of the Thursday Club, of Plattsburg, N. Y., in favor of national preparedness; to the Committee on Military Affairs.

Also, petition of James A. Spencer, Charles M. Tait, R. M. York, S. M. Payne, J. M. Daly, J. W. Sipper, W. R. Perrin, J. H. Callahan, A. N. Abbott, Dr. James Spencer, Leon Fletcher, I. Sacks, Arthur T. Johnson, Charles McDonald, N. E. Marsh, Henry Miller, Abel Lavack, A. J. Gingras, M. E. Loveland, Fred Culead, A. C. Gates, George F. Dawley, W. W. Harvey, Grant W. Fuller, and G. S. Dundon, of Gouverneur, N. Y., in favor of the Hay bill; to the Committee on Military Affairs.

Also, petition of Charles Atwood, H. M. Clark, W. H. La Fountain, Mrs. M. H. La Fountain, Mrs. Rocco Caglianese, Mrs. L. D. Williams, L. D. Williams, Mrs. H. M. Clark, Mrs. C. E. Westcott, C. E. Westcott, Mr. and Mrs. H. H. Collins, Mr. and Mrs. George Hawkins, Mrs. Virginia Taylor, L. V. Taylor, Mrs. J. R. Latray, and Mr. and Mrs. Charlie Fletcher, of Cranberry Lake, N. Y., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of F. M. Kezor, Charles H. Hayes, John D. Benham, Henry Duprey, C. Johnson, William Dean, Ray Pratt, D. A. Oldfield, William Tayhee, K. Page, G. E. Daniels, L. Page, B. Daniels, J. Johnson, E. Dean, S. A. West, J. A. Henne, E. A. Kezor, Nelson Kezor, William Kezor, and George Kezor, of Saranac Lake, N. Y., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, resolution of Walter H. Benedict Woman's Relief Corps, No. 120, of Plattsburg, N. Y., in favor of national preparedness; to the Committee on Military Affairs.

Also, resolution of the Ladies' Aid Society of the First Methodist Episcopal Church of Plattsburg, N. Y., in favor of national preparedness; to the Committee on Military Affairs.

Also, petition of A. Bouchard, of Mooers, N. Y., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, resolution of the Philomela Club, of Plattsburg, N. Y., in favor of national preparedness; to the Committee on Military Affairs.

Also, petition of G. G. White, Elinor White, Laura E. White, and Margaret E. White, of Lake Placid, N. Y., in favor of the Emerson resolution to permit the free importation of condensed milk from neutral countries to Belgium and Germany; to the Committee on Foreign Affairs.

Also, resolution of Mrs. George H. Rea, secretary, in behalf of Beekman Grange, No. 941, of Beekman, N. Y., favoring national preparedness; to the Committee on Military Affairs.

By Mr. SULLOWAY: Petition of Martin B. Smith and other citizens, of New Durham, N. H., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. WALSH: Petition of New Bedford (Mass.) District Sunday School Association, urging adoption of Sheppard-Gallinger national prohibition constitutional amendment; to the Committee on the Judiciary.

SENATE.

THURSDAY, April 20, 1916.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we lift our hearts to Thee that we may know the orderly will of God and way that Thou dost deal with us as a Nation. Thou has taught us that the pure in heart shall see God. In the midst of unanswered questions, unsolved problems, unmeasured forces; in the midst of the limitations of human life, we come to Thee. We pray that we may have the discernment of the Divine will, that we may be sure we are at peace with God; and out of communion with Thee may we learn the way of life and be found ready to stand by that which Thou dost reveal of Thy will for us as a Nation. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. WADSWORTH presented memorials of sundry citizens of New York, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Ashwood, N. Y., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. TAGGART presented a petition of the Indiana State Dairy Association, praying for the enactment of legislation to provide that oleomargarine shall be made without milk and its products, which was referred to the Committee on Agriculture and Forestry.

Mr. OLIVER (for Mr. PENROSE) presented a petition of Sergeant Hamilton Fish Post, No. 20, Veterans of Foreign Wars of the United States, of Philadelphia, Pa., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of Samuel Ashley Chapter, Daughters of the American Revolution, of Claremont, N. H., praying for an increase in armaments, which was ordered to lie on the table.

He also presented petitions of the congregation of the First Christian Church of Merrimack; of Oceanside Grange, Patrons of Husbandry, of Hampton; of the Quarterly Convention of the Woman's Christian Temperance Union, of Hampton Falls; and of 25 citizens of Rochester, all in the State of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. MCLEAN presented petitions of sundry citizens of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Round Table Society of Bridgeport, Conn., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for the exclusion from the mails of gambling devices and advertisements of the same, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for the enactment of legislation to prohibit false statements as to curative effects or contents of packages or bottles of medicine, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for the enactment of legislation to prevent foreign mailing of lottery advertisements to the United States, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for the enactment of legislation to prohibit appropriations for sectarian purposes, which was ordered to lie on the table.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for prohibition of the exportation of intoxicating liquor to Africa, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for the enactment of legislation to prohibit interstate transmission of race-track gambling bets, etc., which was referred to the Committee on Interstate Commerce.

Mr. TOWNSEND presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LA FOLLETTE presented petitions of sundry citizens of Wisconsin, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union, International Seamen's Union of America, of Chicago, Ill., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Wisconsin, remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which were referred to the Committee on Education and Labor.

Mr. SHEPPARD presented petitions of sundry citizens of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Mexico, Tex., remonstrating against the adoption of section 11 of the so-called cotton-futures bill, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of the District of Columbia, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. KENYON presented memorials of sundry citizens of Carnarvon and Centerville, in the State of Iowa, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a petition of Local Union No. 61, International Brotherhood of Electrical Workers, of Los Angeles, Cal., praying for an investigation into conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Union No. 5, American Brotherhood of Cement Workers, of San Jose, Cal., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. ASHURST. I present resolutions adopted at the Progressive State convention for Arizona, favoring the adoption of the Susan B. Anthony woman-suffrage amendment to the Constitution. I ask that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolved, That we, the Progressive State convention for Arizona, meeting this 8th day of April, 1916, in Bisbee, for the purpose of naming delegates to the Progressive national convention, do hereby most heartily endorse the Susan B. Anthony amendment, known in this Congress as the Sutherland-Mondell amendment, and earnestly urge Congress to pass forthwith on to the States for ratification this amendment enfranchising all the women of the country. We do this because the Progressive Party has always stood for woman suffrage and because we believe that the unjust discrimination now existing between the women of the East and the women of the West should be speedily removed and all women enjoy the same privileges and protection under the National Constitution.

Resolved, That copies of this resolution be sent to the President of the United States; the Speaker of the House of Representatives; Senator THOMAS, chairman of the Woman Suffrage Committee in the Senate; E. Y. WEBB, chairman of the Judiciary Committee of the House of Representatives; ANDREW VOLSTEAD, minority leader of the Judiciary Committee of the House; Minority Leader JACOB GALLINGER, of the Senate; Minority Leader JAMES R. MANN, of the House; and to the two Senators and to the Representative from Arizona, with the request that the resolution be read into the CONGRESSIONAL RECORD.

PAUL E. FERNALD,
Secretary, Box 397, Tucson, Ariz.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 1272) for the relief of Thomas Huggins, asked that that committee be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. ROBINSON, from the Committee on Claims, to which was referred Senate resolution 41 providing for the adjudication of certain claims by the Court of Claims, reported it without amendment and submitted a report (No. 374) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 4368. A bill for the relief of D. A. Barbour and Andrew Gladden (Rept. No. 372);

S. 4866. A bill to carry out the findings of the Court of Claims in the case of the Commercial Pacific Cable Co. (Rept. No. 371); and

H. R. 6651. An act providing for the payment for certain services arising under the Navy Department (Rept. No. 373).

Mr. BROUSSARD, from the Committee on Claims, to which was referred the bill (S. 3294) to appropriate a sum of money to pay Rhoda Menz, W. W. Christmas, and James M. Christmas, heirs of Myra Clarke Gaines, for certain lands in Louisiana, reported it with an amendment and submitted a report (No. 376) thereon.

LESTER A. ROCKWELL.

Mr. HITCHCOCK. From the Committee on Military Affairs I report back favorably without amendment the bill (S. 1362) for the relief of Lester A. Rockwell, and I submit a report (No. 375) thereon. As a similar bill passed the Senate at the last session of Congress and is again reported by the committee, I ask unanimous consent for its present consideration. It was delayed partly on my account in reporting it, and it is submitted by the committee twice. As I stated, a similar bill was passed by the Senate at the last session of the last Congress.

Mr. SMOOT. I did not hear what the bill is.

Mr. HITCHCOCK. It is a bill merely changing the record of Lester A. Rockwell so that he may have a pensionable status. It is not of very much importance except to the man. It was favorably considered by the committee and a similar bill was passed in the last Congress.

Mr. CULBERSON. I ask the Senator if it is a case of desertion?

Mr. HITCHCOCK. It is a case of technical desertion, but upon the merits and equities the committee agreed, like in many other cases of the same sort, that the man should be given a pensionable status.

Mr. SMOOT. Is there any reason why the bill should be passed immediately, I will ask the Senator?

Mr. HITCHCOCK. I am merely asking for it because I should have made the report some time ago.

Mr. SMOOT. I should like to have it go to the calendar.

Mr. HITCHCOCK. Very well.

Mr. SMOOT. Because I should like to have the calendar taken up at the earliest date possible.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BROUSSARD:

A bill (S. 5672) for the relief of sundry building and loan associations; to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 5673) to provide for the retirement of employees in the classified civil service of the United States of America, the establishment of a civil-service superannuation and disability pension system, and for other purposes; to the Committee on Civil Service and Retrenchment.

By Mr. WALSH:

A bill (S. 5674) to reimburse the county of Lewis and Clark, State of Montana, for expenses incurred by it for the construction of a public highway through the Helena National Forest (with accompanying papers); to the Committee on Agriculture and Forestry.

By Mr. SMITH of Michigan:

A bill (S. 5675) for the relief of John Henry Gibbons, captain on the retired list of the United States Navy; to the Committee on Naval Affairs.

By Mr. BURLEIGH:

A bill (S. 5676) granting a pension to Augustus M. Brown; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5677) for the proper observance of Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TAGGART:

A bill (S. 5678) granting a pension to Joseph M. Adams; and A bill (S. 5679) granting an increase of pension to Simeon Noble; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5680) granting an increase of pension to Emma R. Adams (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 5681) providing for an increase of salary of the United States district attorney for the district of Connecticut; to the Committee on the Judiciary.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 5682) granting a pension to Catharine R. Hutchinson;

A bill (S. 5683) granting a pension to James A. Stine; and

A bill (S. 5684) granting an increase of pension to John Wonderly; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 5685) granting an increase of pension to Robert Hedrick (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 5686) authorizing the Secretary of War to make a donation of condemned cannon and cannon balls; to the Committee on Military Affairs.

PROPOSED FEDERAL MOTION PICTURE COMMISSION.

Mr. SMITH of Georgia. I introduce what I understand is a bill which has been agreed upon by the friends who are in favor of the regulation of motion pictures and a large number of the manufacturers of films. I introduce it, however, by request,

and ask that it be referred to the Committee on Education and Labor:

A bill (S. 5671) to create a new division of the Bureau of Education, to be known as the Federal Motion-Picture Commission, for the regulation of motion pictures intended for interstate and foreign commerce, and defining its powers and duties.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

Mr. WALSH submitted an amendment proposing to appropriate \$6,387.10 to be paid to the county of Lewis and Clark, State of Montana, being one-half of the cost of construction of so much of the Priests Pass Road in that county as passes through the Helena National Forest, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

THE RESTORATION OF PEACE IN EUROPE.

Mr. NEWLANDS. I submit a resolution, and ask that it be read:

The resolution (S. Res. 172) was read, as follows:

The Senate of the United States resolves as follows:

The people of the United States, composed for the most part either of natives or the descendants of natives of the warring countries in Europe, have viewed with distress the existing war, involving, as it does, the universal destruction of the fit and courageous and the general impairment of condition. They have observed with satisfaction the recent announcements of the English and German Governments regarding a possible peace.

Whilst the announcement of each Government contains phrases intended to encourage its own people yet having the effect of irritating the opposing peoples, it is observed that each announcement practically involves the restoration of the status quo ante.

It is to be regretted that on each side phrases have been used which were likely to be misunderstood on the other side, such as the demand of England that German militarism should be destroyed, a phrase which means, to the German people, that German nationalism should be destroyed.

Without going into the contentions of the ancient empires which have been inherited by the peoples descended from them, or elaborating upon the modern contentions of existing empires, it is clear that the immediate cause of the existing war was that one of the two Teutonic States, surrounded by hostile Slavs on the one side and hostile Latins on the other, felt that its national life was threatened by the destruction of its Crown Prince through a conspiracy organized in a Slav State, and insisted upon its right to punish this Slav State without foreign intervention, that from this small commencement an almost universal war has arisen, more destructive than any which the world has hitherto witnessed, that, as a result of this war, the Teutonic allies have won on land, whilst the entente allies have won on the sea, and that the result is a deadlock of forces destructive and paralyzing to all.

The Teutonic allies have accomplished the declared purpose of the war—the punishment of Serbia. This has been done. It can not be undone. The people of all the warring countries desire peace. Their governments undoubtedly wish to gratify this aspiration, but in a way that will not involve the impairment of national sovereignty and prestige. Each regards this contest as one for national life. Each disclaims the idea of aggression or conquest. The enthusiasm of the war is over. A grim determination upon the part of each to maintain its national life unimpaired, alone animates the courage and steadies the purpose of all.

The rage of the conflict makes diplomatic parley impossible. The governmental announcements of England and Germany indicate a harmony of view as to many things, such as that no indemnity shall be demanded, that Belgium shall be restored as an independent state, that the portion of France recently occupied by Germany shall be restored, that the status of Alsace and Lorraine, settled over 40 years ago by treaty between Germany and France, shall not be disturbed.

Just as England and France demand that they should be secured by buffer States and proper boundaries against Teutonic aggression in the west, Germany demands that she should be secured against Slav aggression in the east. The disposition of Poland therefore becomes important. Might it not be possible by mutual concessions of existing rights by both Teutons and Slavs to reestablish the ancient kingdom of Poland, or at least a part of it, as a sovereign buffer state?

Austria demands security on the south. The Teutonic States, in conjunction with Bulgaria, have destroyed the sovereignty of Serbia. May it not be possible to restore that sovereignty or if that is impossible may not Serbia's prosperity be made more secure in the future through a modified autonomy established under Austrian sovereignty?

Germany's colonial possessions have been wrested from her. May they not be restored, or, at all events, compensated for through some favorable readjustment of her boundaries or sphere of influence in Turkey and Asia Minor?

Russia, locked in by icebound ports, demands access to the southern seas. She has won her way to the Persian Gulf. Why should not this, or free access to the Mediterranean through the Dardanelles, be secured to her?

There remains the question of German militarism and English navalism, the one dominant on land, the other dominant on sea. Why may it not be possible, without irritating phrases, for each of these Governments to state publicly its views, not regarding disarmament, but a gradual reduction of armament on land and sea, and a gradual approach toward the adjustment of international disputes, as domestic disputes are adjusted, through international tribunals, organized and proceeding as do domestic tribunals, according to the orderly forms of law, with power to enforce their decrees? Surely the progress which has been made in the substitution of law and order for violence in the settlement of individual disputes through domestic tribunals created for the purpose, justifies the hope that a similar international evolution

will spring from the blood of the heroes whose valor and courage on land and sea, unequalled in the history of the world, have been fruitless of result except deterioration of race and impoverishment of condition. The Senate of the United States, profoundly impressed by the solemnity of the hour, urges upon the warring nations a calm consideration of these views.

Mr. NEWLANDS. Mr. President, I desire to give notice that to-morrow, at the conclusion of the remarks of the Senator from Colorado [Mr. THOMAS], I shall address the Senate on the resolution.

The VICE PRESIDENT. The resolution will lie on the table and be printed.

ADDRESS BY SENATOR HOLLIS (S. DOC. NO. 411).

Mr. HITCHCOCK. Mr. President, I ask unanimous consent that there may be printed as a public document the address delivered by the junior Senator from New Hampshire [Mr. HOLLIS] before the Common Counsel Club, of Washington, D. C., April 13, 1916, on the subject of "What the administration is doing for the farmer."

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

NOMINATION OF LOUIS P. BRANDEIS (S. DOC. NO. 409).

Mr. CHILTON. I ask unanimous consent that 1,000 extra copies of the report of the subcommittee and the hearings in the Brandeis case be printed for the use of the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

TARIFF ON SUGAR.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, and further insisting upon its disagreement to the amendment of the Senate still in disagreement between the two Houses on the bill, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SIMMONS. I submit the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the title, and agree to the same with an amendment as follows: In the last line of the Senate amendment to the title strike out the words "manufactures of sugar" and insert in lieu thereof the words "other articles"; and the Senate agree to the same.

The committee of conference has been unable to agree on the amendment of the Senate to the bill.

F. M. SIMMONS,
W. J. STONE,
H. C. LODGE,

Managers on the part of the Senate.

CLAUDE KITCHIN,
HENRY T. RAINEY,
J. W. FORDNEY,

Managers on the part of the House.

Mr. SIMMONS. Mr. President, I move the adoption of the report.

Mr. HARDWICK. Mr. President, the Senator is not asking a vote on that question now?

Mr. SIMMONS. No; I am simply moving the adoption of the report. It is a formal matter, and only disposes of the matters in agreement.

Mr. HARDWICK. The Senator is right.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina.

The report was agreed to.

Mr. SIMMONS. Mr. President, I desire to move—I shall not ask immediate action on the motion—that the Senate recede from its amendment in disagreement to House bill 11471; and pending that I ask unanimous consent that on Saturday next, at not later than 5 o'clock p. m., the Senate will proceed to vote on the motion I have made to recede from the amendment in disagreement.

Mr. HARDWICK. Mr. President, will the Senator yield to me?

Mr. SIMMONS. I will.

Mr. HARDWICK. I desire to say to the Senator that I shall oppose the motion to recede, and I think I shall want something like two hours to discuss the question. Of course the Senator is chairman of the committee and chairman of the conferees on the part of the Senate and will to some extent have priority of consideration. In the opinion of the Senator, does his motion allow an opportunity for me to have that much time?

Mr. SIMMONS. I was going to change my motion to a request that we proceed to the consideration of the motion and that we vote at not later than 5 o'clock on Saturday next. I will, then, lay the matter aside and not call it up until Saturday morning, but I will call it up on Saturday at any hour the Senator desires to begin his speech. I do not know of any other Senator who desires to speak on it.

Mr. HARDWICK. I have no objection to that.

Mr. SIMMONS. I change my motion to a request for unanimous consent that the Senate proceed to the consideration of the conference report on House bill 11471, and that on Saturday next, at not later than 5 o'clock p. m., the Senate will proceed to vote upon the conference report. We will take it up on Saturday at whatever time suits the convenience of the Senator from Georgia.

Mr. TOWNSEND. Mr. President, do I understand that this is the so-called sugar bill?

Mr. SIMMONS. Yes; the Senator is correct. I am asking unanimous consent that we proceed to the consideration of this conference report, and that on Saturday next, April 22, at not later than 5 o'clock p. m., the Senate will proceed to vote upon the conference report.

Mr. HARDWICK. If the Senator will pardon me, we do not have to have unanimous consent for the present consideration of a conference report, but we might have to have unanimous consent to delay proceedings under the conference report until a specified hour of a specified day.

Mr. GALLINGER. If the Senator will permit me, the presentation of a conference report is privileged, but not its consideration.

Mr. SIMMONS. No; it is only the report that is privileged, and not the consideration of the report.

The VICE PRESIDENT. The Chair is lost. The Chair thought the conference report had been agreed to.

Mr. HARDWICK. It has been agreed to.

Mr. SIMMONS. If the Chair thought that, the Chair is right. I move that the Senate recede from its amendment in disagreement with the House.

Mr. CURTIS. Mr. President—

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. I should like to ask the Senator from North Carolina a question. Suppose the unanimous consent requested by the Senator should be given. In what position would the conference report then be between now and Saturday?

Mr. SIMMONS. The conference report has been adopted. The only thing pending before the Senate now is the motion I have just made that the Senate recede from its amendment in disagreement.

Mr. BRANDEGEE. In what position would that motion be between now and Saturday if unanimous consent is given? In other words, the unfinished business is on the calendar undisturbed, the hour of 2 o'clock not yet having arrived. Supposing that by unanimous consent we now proceed to consider the motion made by the Senator that the Senate recede from its disagreement and agree that not later than 5 o'clock on Saturday we will vote upon it. Where does it stand between now and then; in other words, on to-morrow and Saturday?

Mr. SIMMONS. I think it would be the unfinished business between now and then.

Mr. BRANDEGEE. I did not understand whether or not the Senator intended to displace the unfinished business.

Mr. SIMMONS. I do not wish, to-day and to-morrow, to interfere with any other legislation, nor do I think that if this motion should prevail I would interfere. To remove all trouble about it, however, I will change the motion so as to move that at 12 o'clock on Saturday next we proceed to the consideration of the motion that the Senate recede from its amendment in disagreement, and that not later than 5 o'clock—

Mr. LIPPITT. Ask unanimous consent.

Mr. SMOOT. I suggest that instead of moving the Senator ask unanimous consent.

Mr. SIMMONS. If I said "move," I meant to ask unanimous consent, because that is what I have been asking for all the time. It was a mere inadvertence in the use of terms.

Mr. GALLINGER. Mr. President, the Senator would better ask unanimous consent that at a certain hour on Saturday we proceed to the consideration of the motion.

Mr. SIMMONS. I have just done that.

Mr. GALLINGER. The Senator did not make it very clear.

The VICE PRESIDENT. Let the Secretary state the request as he understands it.

Mr. SIMMONS. Let me state it, if there is any misunderstanding about it.

The VICE PRESIDENT. It has been taken down. Let the Secretary state it.

The SECRETARY. It is agreed by unanimous consent that on Saturday, April 22, 1916, at 1 o'clock p. m., the Senate will proceed to the consideration of the motion entered by the Senator from North Carolina [Mr. SIMMONS] on the 20th instant, that the Senate recede from its amendment in disagreement to H. R. 11471, and that at not later than 5 o'clock p. m. on the said day the Senate will proceed to vote without further debate upon the said motion.

The VICE PRESIDENT. The Chair does not believe that this unanimous-consent agreement comes fairly within the rule requiring a call of the Senate for a quorum. It is not for the purpose of taking a final vote on the passage of a bill or joint resolution. Is there objection to the unanimous-consent agreement? The Chair hears none, and it is adopted.

THE CALENDAR.

The VICE PRESIDENT. The morning business is closed.

Mr. SMOOT. Mr. President, I move that the Senate proceed to the consideration of unobjected bills on the calendar under Rule VIII.

The VICE PRESIDENT. It is in order now to proceed with the calendar.

Mr. SMOOT. I move to proceed with the calendar of unobjected bills.

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. OVERMAN. Unobjected bills.

Mr. SMOOT. Unobjected bills.

Mr. SMITH of Georgia. Is it limited to unobjected bills?

Mr. SMOOT. We would be limited to unobjected bills under my motion.

The VICE PRESIDENT. The Senator from Utah moves that the Senate proceed to the consideration of unobjected bills on the calendar under Rule VIII.

Mr. SMITH of Georgia. I have not considered it myself, but I desire to ask if the motion can limit the consideration simply to unobjected bills? Is it not in order at any time under the rule when a bill is reached to move to proceed to its consideration? Is it not in order at any time to move to consider a bill under the rule, and would such a motion exclude that privilege?

The VICE PRESIDENT. The Chair is of opinion that the Senator from Utah has a right to make the motion, and if the Senate adopts it unobjected bills alone will be considered. If it is not agreed to, any Senator, of course, has the right at any time to move to take up any bill.

Mr. SMOOT. That is as I understand it.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah.

The motion was agreed to.

The VICE PRESIDENT. The first bill on the calendar will be stated.

The SECRETARY. A bill (S. 1053) to provide for stock-raising homesteads, and for other purposes.

Mr. SMOOT. There has been a House bill reported from the Committee on Public Lands upon the same subject matter, and I move that Senate bill 1053 be indefinitely postponed.

Mr. STERLING rose.

Mr. SMOOT. I will say to the Senator from South Dakota, who introduced this bill providing for stock-raising homesteads, that, as the Senator knows, a House bill covering this same subject has been reported, and it is on the calendar.

Mr. STERLING. I understand that, but I will ask the Senator—

Mr. SMOOT. I therefore move the indefinite postponement of the Senate bill.

Mr. STERLING. I wondered if the Senator from Utah might not have House bill 407 reported by the Senate Committee on Public Lands considered.

Mr. SMOOT. That can not be done under the motion at this time, but we will reach that bill to-day.

The VICE PRESIDENT. The question is on the indefinite postponement of Senate bill 1053.

The motion was agreed to.

The bill (S. 1062) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices was announced as next in order.

Mr. SUTHERLAND. Let that go over.

The VICE PRESIDENT. The bill goes over on objection.

The bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. GALLINGER. Let that go over.

Mr. SMITH of Georgia. I move to proceed to consideration of the bill.

Mr. SMOOT. I object to its consideration at this time.

The VICE PRESIDENT. The Chair has ruled that if the motion of the Senator from Utah prevailed it would not be in order to move to take up another bill.

Mr. SMITH of Georgia. I did not so understand the Chair.

The VICE PRESIDENT. That was the ruling of the Chair. The Chair also ruled that if the motion did not prevail, then any Senator could move to proceed to the consideration of a bill on the calendar.

Mr. SMITH of Georgia. The noise was so great that it was impossible for me to hear what the Chair ruled.

The VICE PRESIDENT. The Chair will make the ruling now, and there can be an appeal taken from the decision of the Chair.

Mr. WALSH. Mr. President, I venture to express the hope that the Senator from Georgia will not press that motion at this time. As he knows very well, the bill will give rise to debate. We have not had an opportunity to clear up the calendar for a long time, and I should like to see the calendar proceeded with.

Mr. SMITH of Georgia. I understand that under the ruling of the Chair we can not proceed with it unless I appeal from the decision of the Chair. I do not intend to do that, although I thought under the rule the Senate at any time could change from one order to another order. But I will not make the motion. I will ask the privilege of withdrawing the motion.

The VICE PRESIDENT. The bill goes over under objection.

The bill (S. 609) to aid in the erection of a monument to Pocahontas at Jamestown, Va., was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 611) for the erection of a monument to the memory of Matthew Fontaine Maury, of Virginia, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill goes over.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States conferring upon women the right of suffrage, was announced as next in order.

Mr. SMITH of Georgia. Let that go over.

The VICE PRESIDENT. The joint resolution will go over.

The joint resolution (S. J. Res. 72) to provide for holding the San Antonio Bicentennial Exposition in 1918, was announced as next in order.

SEVERAL SENATORS. Let it go over.

Mr. SHEPPARD. I was going to ask that the joint resolution go over, inasmuch as I intend to address the Senate tomorrow in regard to this exposition.

The VICE PRESIDENT. The joint resolution will go over.

The bill (S. 2406) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, was announced as next in order.

Mr. GALLINGER. Let that go over.

The VICE PRESIDENT. The bill will go over.

COST OF LIVING IN THE DISTRICT OF COLUMBIA.

The joint resolution (S. J. Res. 43) authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia, and to report thereon to Congress as early as practicable, was announced as next in order.

Mr. KENYON. Mr. President, there are two committee amendments to the joint resolution, one of which I urge should not be adopted. I think it was inadvertently placed in the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Education and Labor with amendments.

The first amendment of the committee was, in line 4, after the word "living," to insert "of wage earners."

Mr. REED. Mr. President, I wish to make an inquiry before the amendment is agreed to. What is the reason why an in-

vestigation of this sort should cost \$6,000 in the city of Washington when we have all sorts of Government employees under salary whose business it is to investigate questions of this kind?

Mr. KENYON. I do not understand that there are any employees of the Government who are authorized to make this investigation. The joint resolution has been recommended by the Department of Labor. We passed a law here some years ago fixing the hours of employment for women in the District of Columbia. Unless there is some investigation of the cost of living the other law practically amounts to nothing. The basis of this whole matter, I will say very frankly, will be to get information which possibly may lead to the adoption of a minimum wage law in the District of Columbia.

Mr. REED. Mr. President, just one question further. Is it not true that the Department of Labor itself has a very large number of men who are engaged in occupations akin to this and that they could simply be detailed for the work? I am not going to object to an investigation. Indeed, I say to the Senator from Iowa frankly I am not going to object to the joint resolution if he insists upon it in this form, but it appears that every time there is anything to be done by any of the departments here it must cost a lot of money, although they have a great number of employees. I have often wondered what those employees were doing. Most of them draw good salaries; there are a lot of them in Washington; and to investigate the cost of living in a practical way in the city of Washington ought not to be very difficult. If, however, some one proposes to go into an exhaustive examination, it will cost money.

There are three or four ways to make an investigation. One is the common-sense practical way, which is a very short way. The other is a long-intricate device to run indefinitely into any sort of cost.

Mr. KENYON. I realize that, of course; but the investigation can not be extended indefinitely under this appropriation. It may be that the appropriation is a little too large, but it need not all be expended if a lesser amount will suffice.

This has been recommended twice, I will say to the Senator, by the Committee on Education and Labor. Last year it was on the calendar, but was never reached. Hearings were had on the subject before a subcommittee, and again the joint resolution was recommended. I feel that this is a very meritorious proposition. I do not want, of course, to increase the number of Government employees.

Mr. REED. Mr. President, would not the Senator from Iowa be content to change his joint resolution so that the Department of Commerce and Labor would be directed to make this investigation? I make the suggestion; I may be wrong in making it, for I have not examined the matter. I do, however, know that every time the Government starts to do anything it appears that it has got to get a lot of new employees. I know that our appropriation bills this year will necessarily carry an astounding amount of money. This only involves an expenditure of \$6,000, but a large number of \$6,000 items will help to swell the grand total of our appropriations. I simply make the suggestion to the Senator from Iowa. I am not going to object to the consideration of the resolution.

Mr. KENYON. I will say that I do not desire to have appropriations made which are not necessary, and if there is any opportunity of saving money anywhere I will join in doing so. Let this joint resolution go over, and I will make an investigation as to whether or not the Department of Commerce and Labor can do the work without the extra appropriation.

Mr. GALLINGER. Then let the joint resolution go over, Mr. President.

The VICE PRESIDENT. The joint resolution goes over.

BUSINESS PASSED OVER.

The bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

The bill (S. 640) for the relief of Ellen B. Monahan was announced as next in order.

Mr. WORKS. Let that go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

The resolution (S. Res. 43) for the appointment of a committee to investigate and inquire into the causes of the existing freight blockade and embargoes on the trunk-line railroads entering into the port of New York was announced as next in order.

Mr. GALLINGER and Mr. SMOOT. Let that go over, Mr. President.

The VICE PRESIDENT. The resolution goes over.

SOLICITATION OF FUNDS FOR POLITICAL COMMITTEES, ETC.

The bill (S. 668) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization was announced as next in order.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That hereafter it shall be unlawful for any Member of the Senate of the United States or any Member of the House of Representatives of the United States, during the term for which such Senator or Member has been elected, to solicit funds, directly or indirectly, for any political committee, club, or organization.

SEC. 2. That the violation of this act is hereby declared to be a misdemeanor, and any person convicted of violating the same shall be punished by a fine of not less than \$1,000 or imprisonment for a term of not less than 60 days, or both, at the discretion of the court.

Mr. REED. Mr. President, if I understand the bill correctly, if a Member of this Senate belonging to a local political club in his own city should ask some one to contribute a box of cigars he could be fined \$1,000?

Mr. GALLINGER. Undoubtedly.

The VICE PRESIDENT. In addition to being punished by imprisonment for a term not less than 60 days."

Mr. REED. I think the bill is absurd, and I object to its consideration on that ground.

The VICE PRESIDENT. Objection is made to the consideration of the bill, and it will be passed over.

BILLS PASSED OVER.

The bill (S. 665) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that go over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 669) to limit the use of campaign funds in presidential and national elections was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1840) to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, June 27, 1898, and February 26, 1909, was announced as next in order.

Mr. OVERMAN. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes, was announced as next in order.

Mr. HUGHES. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

The bill (S. 2730) to fix the compensation of assistant appraisers of merchandise, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill goes over.

VOCATIONAL EDUCATION.

The bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure, was announced as next in order.

Mr. SMITH of Georgia. Mr. President, I will detain the Senate at this time just to speak briefly of this bill. At an early day I hope to discuss it more in detail. I hope in the meantime Senators may begin studying it.

My wish is to call the attention of the Senate to the leading features of the bill, and then to ask Senators to consider it. I very much hope that I shall have the cooperation of the Senate to pass this bill within the next 30 days, and send it over to the other House. I stop now to ask any Senator who can to think about it.

The bill proceeds upon three lines: First, to appropriate money in cooperation with the States to pay vocational teachers in agriculture; second, to appropriate money in cooperation with the States to pay vocational teachers in the mechanic arts; third, to appropriate money in connection with the States to pay for training teachers to give instruction in these specialties. The bill requires contribution by each State equal to the amount received from the Government.

The bill provides for a State board in each State; it also provides for a national board. The State board is to work out

the plan for the use of the money in a State and submit it to the national board; and the national board is to approve it if the money is to be paid from the National Treasury, to cooperate with the States. That is the general line of the bill.

Mr. GALLINGER. Mr. President, let the bill go over for the present.

Mr. SMITH of Georgia. Of course the bill will go over. I only take occasion to ask Senators to think about it, and, if possible, to read it over and also to think about this question. The bill as it stands makes the national board from the members of the Cabinet. There are friends of the measure who desire an independent board. I ask Senators to consider the question as to whether we should have an independent board or use a board made up from the Cabinet and the Commissioner of Education.

Mr. GALLINGER. But, Mr. President, considering the present condition of the Federal Treasury, I think Senators ought to look at the appropriation carried in this bill.

Mr. SMITH of Georgia. I will state what the appropriation is. The appropriation begins with \$500,000 a year for each of the three lines of work I have mentioned; it finally reaches \$3,000,000 for the actual instruction in agriculture and the same amount in the mechanic arts, and \$1,000,000 finally for the training of teachers. It also proceeds upon the same lines as our agriculture extension law, guaranteeing a certain amount of the fund to each State, without regard to the size or population of the State, so each State will at least have a sufficient fund to conduct the effort in a reasonable way. The bill is generally constructed along the line of the agricultural extension bill, which we adopted nearly two years ago.

Mr. GALLINGER. Mr. President, I had observed that, and as I am solicitous to help my Democratic friends in the matter of taking care of the deficit, it occurred to me that the Democratic Party did not want to make these appropriations this year for that purpose.

Mr. SMITH of Georgia. Well, the first appropriation amounts to less than a million and a half dollars. We begin with that for next year. Two or three amendments will be required to the bill.

The bill was prepared by a commission appointed under a resolution which originated in the Senate, authorizing the President to appoint a commission to study the question and to frame and suggest a bill. The Senator from Vermont [Mr. PAGE] and I represented the Senate upon that commission, and the Senator from Vermont, to whom again I desire to pay tribute publicly for his devotion to this subject and for his splendid work in behalf of vocational education, will certainly join me in presenting the measure to the Senate. I would not under any circumstances be willing to take it up or to act upon it in his absence, and I am glad at all times to give him that credit for this work which his services deserve.

COL. JAMES JACKSON.

The bill (S. 1162) to place certain officers of the Army on the retired list was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, and place him on the retired list of the Army with the rank and retired pay of brigadier general, any colonel now on the retired list of the Army who served with credit as an enlisted man and officer of the Regular Army of the United States during the Civil War, who has been brevetted captain, major, and lieutenant colonel, respectively, for gallant services in battles in the Civil War and in actions against Indians, who has been awarded the congressional medal of honor for most distinguished gallantry in action against Indians, and who is now and has been since early in 1904 on active duty.

Mr. SMOOT. Mr. President, when this bill was under consideration on a previous occasion there was an objection to its passage in the form in which it was reported from the committee. It applies only to one officer, as I understand; and I will ask the Senator from Oregon [Mr. CHAMBERLAIN] if he has prepared the amendment which was suggested when the bill was last under consideration, stating the name of the officer to be benefited by the bill?

Mr. CHAMBERLAIN. I can do that, I will say to the Senator, and I am prepared to do it if the Senator prefers to have it as a special bill.

Mr. SMOOT. I think it will be very much better to have it as a special bill.

Mr. CHAMBERLAIN. Then, Mr. President, if the Senator prefers to have it in that form, I will state the amendment. I move to strike out all after the enacting clause and to insert:

That the President be, and he is hereby, authorized to appoint Col. James Jackson, United States Army, retired, to the position and rank of brigadier general on the retired list.

The VICE PRESIDENT. The question is on the amendment. The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. CHAMBERLAIN, the title was amended so as to read: "A bill authorizing the President to appoint Col. James Jackson, United States Army, retired, to the rank of brigadier general on the retired list."

AMENDMENT OF THE RULES.

The Senate proceeded to consider the resolution (S. Res. 7) providing that any Senator upon his own request may be recorded and counted as present in order to constitute a quorum, which had been reported from the Committee on Rules with an amendment at the end of line 4, to add the word "state," so as to make the resolution read:

Resolved, That the rules of the Senate be amended as follows: In Rule XII, clause 1, after the words "by the Senate," there shall be inserted the following: "and any Senator may arise and declare that he is paired and state how he would vote if not paired, and may add that being present he desires to be so recorded, in order to constitute a quorum; whereupon he shall be so recorded and his presence as a part of the quorum announced by the Chair."

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee. Without objection, the amendment is agreed to.

Mr. POINDEXTER. Mr. President, if I understand the resolution from the reading by the Secretary, it authorizes the Presiding Officer, if a Senator is present and makes an announcement of his pair, to count him as present for the purpose of making a quorum. It has been the practice of the Senate in recent years to count him under those circumstances as present; and it seems to me that the resolution is unnecessary and futile, and so I object to it.

Mr. WILLIAMS. Mr. President, I hope the Senator from Washington will not object to the passage of the resolution. I will explain to the Senate the practical difficulty it is designed to meet. The resolution, by the way, was reported unanimously. I will say to the Senator from Washington, by the members of the Committee on Rules.

Every now and then the roll is called to ascertain whether or not a quorum is present. It develops on the roll call that a quorum is present, and immediately after that there is a ye-and-nay vote, and those Senators who are present and paired announce their pairs and withhold their votes, and are not counted.

Mr. POINDEXTER. Mr. President, I have observed a number of instances in which Senators were counted as present under those circumstances, if they were actually present.

Mr. GALLINGER. But there is no uniformity about it.

Mr. WILLIAMS. I know of no rule of the Senate whereby they can be counted as present, and, if that has occurred, it must have been in addition to the rule or something else.

I am as much opposed as anybody can be to counting a Senator present against his will; but when a Senator thinks he can represent his constituents best by being counted in order to make a quorum, and he is counted at his own request, it seems to me undoubtedly that he ought to be counted. The only question that could arise in any Senator's mind is as to whether the rule should not be changed still further so as to count the Senator present against his will, which is done in the other House; but certainly a Senator ought to be counted present by his own request to make a quorum. I hope the Senator will withdraw his objection. The matter was pretty well discussed in the Committee on Rules, and finally the committee unanimously reached the conclusion to report the resolution.

Mr. WALSH. Mr. President, I should like to ask the Senator a question. Will not this rule, if adopted, carry the necessary implication that a Senator actually present can not be counted to make a quorum unless with his consent?

Mr. WILLIAMS. He can not be counted now.

Mr. ROBINSON. Mr. President, he is counted now.

Mr. WALSH. The fact about the matter is that the presiding officer now actually does count him, and has repeatedly counted him against his protest within the last two years.

Mr. WILLIAMS. I know of no rule of the Senate under which that may be done. In the House of Representatives, in order to count Members as present, they had to change the rule, and it seems to me we would have to change it here before we could do that. Whether that has been done or not, it has missed my observation; but if it has been done, it has been done, to express it in the most charitable way, in addition to the rule, for no rule of the Senate gives any right to a presiding officer of the Senate to count a Senator as present who has not voted.

I want to obviate that difficulty and give the Senate a quorum wherever Senators are willing to be counted as present—and in most cases they are willing and want to be so counted. When

I rise and say that I am paired with the senior Senator from Pennsylvania and therefore must withhold my vote, and other Senators make similar announcements, and then when the roll is called upon a vote it is found that a quorum has not voted, it is necessary to make another point of no quorum and call the roll for a quorum again. That happened during the last session of Congress again and again and again. There ought to be some uniformity about it.

Mr. GALLINGER. Mr. President, I will say to the Senator from Mississippi that Vice President Sherman and the present occupant of the chair, as I remember, have counted present to make a quorum Senators who were paired. I made a mild protest against it on one occasion, thinking that the Chair had transcended the authority given him by the rule; but I think it is very desirable to have a rule of this kind so that we may have uniformity in the administration of the rule.

Mr. WILLIAMS. Of course.

Mr. GALLINGER. And I am strongly in favor of it.

Mr. WILLIAMS. If the Senator from Washington will pardon me, the point made by the Senator from New Hampshire strikes me as irresistible. If there is any question about the right to do what has been done, then why not cure the trouble by adopting a rule making it uniform and universal in its operation, and leaving a Senator to represent his constituents by being present to constitute a quorum when he thinks that is the proper way to represent them?

The VICE PRESIDENT. This is a case in which the Chair thinks the Chair has a right to make an inquiry, because if this rule should be adopted it would be the duty of the Chair to enforce it. What does the Senate expect the Chair to do under this rule if Senators rise, state that they are paired, state how they would vote, but do not vote, and if they had voted the result would be different from the vote as shown by those who actually did vote? What is the Chair going to do under circumstances of that kind?

Mr. CLARKE of Arkansas. Mr. President, I have heretofore objected to the consideration of this resolution a time or two because I thought it was not only unnecessary but wrong. There has been manifest a spasmodic disposition to improve the rules of the Senate by enforcing these according to their true spirit and real meaning, which, it is needless to say, is the way in which rules should be enforced. I believe that 90 per cent of the rules and ruling which control our proceedings here were made by repeated acquiescence by the Senate in the action of the Presiding Officer in deciding that a given matter should be disposed of in a certain way. During the short periods that I have occupied the chair I have undertaken on occasion to test out the sentiment of the Senate with reference to that method of improving the rules rather than by the enforcement of the mere letter of the particular rule. I thus sought to utilize the element of growth which is necessarily and inherently a part of every written code that is intended ultimately to control or regulate human affairs. I have, therefore, not hesitated to say that a Senator is present when he is actually present in person and in fact. I did not believe and do not now believe that a rule is necessary to affirmatively confer power to do this. If a Senator actually present should elect to withhold his vote, under a custom here which authorized him to do it when he was paired with another Senator of opposite views, he should have the added right to object to his presence being noted for the purpose of making a quorum and thus have the effect of disfranchising those who are present by developing the absence of a quorum. I felt that I was authorized to hold if he is present for one purpose that he is present for all purposes. I have not hesitated to say that. The Senate has had repeated opportunities to reverse that ruling if it should see proper to do so and has persistently refused to challenge such ruling by an appeal therefrom.

The proposed rule gives to the Senator himself the right to say whether he is present or absent for legislative purposes. He may rise in his place and say he is absent in a parliamentary sense although everybody knows he is present in fact. Now, I am not going to take advantage of the right to object to the present consideration of this resolution and thus afford the Senate further opportunity to dodge doing or refusing to do what the proposed rule is intended to do. If the Senate wants that kind of a rule, it ought now to vote for this resolution.

I am gradually getting into that state of mind where I believe that the rules of the Senate must get worse in order to get better. The present rules of the Senate do not enable this body to do business as intelligently and expeditiously as the public welfare demands, nor to properly conserve its time so as to utilize the function of debate for the purpose of enlightening those who have not made a special study of the particular ques-

tion which is under consideration at the time. I think the way to bring that about is to abuse the rules to a point of nullification, to a point where they will become absolutely absurd—and that point is not far away now—and then something will be done in the direction of their reformation and improvement.

I have heretofore antagonized all attempts to adopt a cloture rule because I believed that the history of the absence of cloture during filibusters has justified the existing practice; but the filibusters come so infrequently that they can hardly be relied upon further to justify a continuation of the present practice. I believe I can say now that there ought to be a majority cloture rule in this body; that is, the old previous question ought to be adopted, so that in the current consideration of bills there could be something like a rational saving of time.

The only thing that makes me add a qualification at all is the existence of the necessity for a filibuster. The very thing which on occasion makes the absence of a cloture rule unpopular is the very thing that leaves in my mind the lingering belief that possibly it is justified. But I have now about become convinced that the good in it has steadily grown less, until it has now reached a point where it bears no just relation to the evil which comes from the waste of time during the current transaction of business here on occasions when no filibuster is in progress. Unlimited and uncontrolled debate in the Senate in the transaction of routine, ordinary business is an evil that can not be much longer ignored.

This matter here, as the Senator from Mississippi has said, presents a square issue and gives the Senate an opportunity to record its real preference concerning the disputed matter. I do not prefer to have the rule changed as the Senator proposes; but if the Senate does, it is all right. I think it will make the rules worse, and as soon as they are made as bad as they can be made a movement will grow up here to change them. I have attempted, as I said before, in my small way, utilizing the small opportunities that have come to me at intervals as temporary presiding officer, to make some progress in that direction. I hold to the view that under the existing demoralization in the enforcement of the rules of the Senate and the uncertainty in their meaning a presiding officer who is worth his salt will be continually making rulings that call for challenge; because it is no part of the duty or mission of a progressive, intelligent, and independent presiding officer who wants to conserve the time of the Senate, to the end that it may be devoted to the things that the Senate is assembled to do, to sit here and avoid friction by allowing abuses to continue without deliberately creating situations that may be utilized for their correction and betterment.

I think we have enough law about counting a quorum; but if any presiding officer has a notion that he has not authority to repeat what has been done by others, then the Senate ought to come to his help and say by a special rule that he can count a quorum. I do not want to leave it to the individual Senator to say that he can be counted or not at his exclusive election, because in many instances that will defeat the very purpose in allowing the presiding officer to have anything to say about it.

I shall vote against the resolution, although I am not going to object to its consideration.

Mr. OVERMAN. I call for the regular order.

Mr. LIPPITT. The consideration of the resolution has been objected to.

Mr. SUTHERLAND. Is there not an objection to this resolution? If so, I call for the regular order.

Mr. POINDEXTER. As I made the objection, I want to say just one word further as to the ground upon which I object.

I will confer later with the Senator from Mississippi [Mr. WILLIAMS] in regard to the resolution; but if it shall be adopted it will be the first time that the Senate has recognized in a rule the practice of pairing. My opinion is that there are many abuses in that practice. I believe that there are many cases where the practice serves a perfectly legitimate and useful and almost necessary purpose; but the purpose of pairing indiscriminately and generally on every occasion, whether there is any emergency affecting the Senator who requests to be paired or not, is an abuse. Because of the fact that the resolution seeks to establish that practice in the rules of the Senate, in my opinion is objectionable.

I insist at this time upon my objection.

The VICE PRESIDENT. Objection being made, the resolution will be passed over.

BILLS, ETC., PASSED OVER.

The resolution (S. Res. 20) for appointment of a committee of Senators to examine into questions relating to the acquisition or construction of manufacturing plants to supply the Army and

Navy with arms, armament, etc., was announced as next in order.

Mr. LODGE. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 1428) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900 was announced as next in order.

Mr. SMITH of Georgia. The Senator from Florida [Mr. BRYAN], who reported the bill, is absent. I think it had better go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3551) relating to the procedure in the United States courts was announced as next in order.

Mr. CLARKE of Arkansas. I object.

The VICE PRESIDENT. The bill will be passed over.

AGRICULTURAL DEVELOPMENT.

The bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, was announced as next in order on the calendar.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will go over.

H. P. BALDWIN AND OTHERS.

The bill (H. R. 6241) to ratify, approve, and confirm an act amending the franchise granted to H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, D. C. Lindsay, C. D. Lufkin, James L. Coke, and W. T. Robinson, and now held under assignment to Island Electric Co. (Ltd.), by extending it to include the Makawao district on the island of Maui, Territory of Hawaii; and extending the control of the Public Utilities Commission of the Territory of Hawaii to said franchise and its holder, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GRONNA subsequently said: I wish to ask the Senator from Colorado if the bill just passed is the one to which I objected the other day?

Mr. SHAFROTH. Yes; it is the bill the Senator objected to and of which an explanation has been made to him.

Mr. GRONNA. I ask that the bill may go over.

The VICE PRESIDENT. The bill has been passed.

Mr. GRONNA. Then, I move to reconsider the vote by which the bill was passed.

Mr. WORKS. I hope the Senator will not do that until he can look into the matter. I have investigated it, and it seems to me an entirely proper piece of legislation.

Mr. GRONNA. Very well; I will simply enter a motion to reconsider.

The VICE PRESIDENT. The motion to reconsider will be entered.

BILLS, ETC., PASSED OVER.

The bill (S. 34) granting to the State of Utah title to certain lands in said State for uses as a fish hatchery was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will go over.

The joint resolution (S. J. Res. 93) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States was announced as next in order.

Mr. LODGE. Let that go over.

The VICE PRESIDENT. The joint resolution will go over.

MEXICAN PEAS.

The bill (S. 3536) to provide for the storing and cleansing of imported Mexican peas, commonly called "garbanzos," was considered as in Committee of the Whole.

The bill was reported from the Committee on Finance with an amendment to strike out all after the enacting clause and to insert:

That under such regulations and conditions as may be prescribed by the Secretary of the Treasury, bonded warehouses may be established in which imported garbanzo, wheat, barley, and other grains and seeds may be stored, cleaned, repacked, or otherwise changed in condition, but not manufactured, and withdrawn for exportation without the payment of duty thereon: *Provided*, That the whole or any part of such imported garbanzo, wheat, barley, or other grains and seeds, and the waste material and by-products incident to cleaning or otherwise treating said imported grains and seeds, may be withdrawn for domestic consumption upon the payment on the quantity so withdrawn of the duty imposed by law on such garbanzo, wheat, barley, and other grains and seeds in their condition as imported: *And provided further*, That the compensation of customs officers and storekeepers for all services in the supervision of such warehouses shall be paid from moneys advanced by the warehouse proprietor to

the collector of customs and be carried in a special account and disbursed for such purposes, and all expenses incurred shall be paid by the warehouse proprietor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ASHURST subsequently said: Mr. President, I wish to be pardoned for a moment while I make an explanation to the Senator from North Dakota [Mr. GRONNA]. I was very anxious to have Senate bill 3536 passed, but the Senator from North Dakota objected to it unless it was amended. It was passed while I was discussing the matter with him. I hope the Senate will recur to it, because I do not want any advantage taken in that way. I wish to propose some amendments.

The Senator from North Dakota objects to the provision in the bill which inserts "wheat, barley, and other grains and seeds." If the Senate will agree to reconsider the votes by which the bill was ordered to a third reading and passed, I would suggest, to meet the objection of the Senator from North Dakota, that certain amendments be made: On page 2, line 2, to strike out "wheat, barley, and other grains and seeds"; in line 6, to strike out "wheat, barley, or other"; in line 7, to strike out the words "grains and seeds"; in line 8, to strike out the word "grains" and insert the word "garbanzo"; in line 9, to strike out the words "and seeds"; in line 11, to strike out the words "wheat, barley, and other"; and in line 12, to strike out the words "grains and seeds."

Mr. GRONNA. I will say if those amendments are adopted, I shall have no objection to the passage of the bill.

The VICE PRESIDENT. The bill is passed now.

Mr. ASHURST. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. ASHURST. I move, on page 2, line 2, to strike out the words "wheat, barley, and other grains and seeds."

The amendment was agreed to.

Mr. ASHURST. In line 6, I move to strike out the words "wheat, barley, or other."

The amendment was agreed to.

Mr. ASHURST. In line 7, I move to strike out the words "grains and seeds," and in line 8 to strike out the word "grains" and insert the word "garbanzo."

The amendment was agreed to.

Mr. ASHURST. In line 9, I move to strike out the words "and seeds"; in line 11 to strike out the words "wheat, barley, and other"; and in line 12 to strike out the words "grains and seeds."

The amendment was agreed to.

Mr. ASHURST. With these amendments agreed to the bill simply applies to garbanzo.

Mr. GRONNA. Mr. President, I think it is only fair to myself to say that I was not in the Senate when this bill was reached for consideration. I was busily engaged on other important business of the Senate, namely, attending a hearing on the so-called sisal hemp investigation. I did object to the passage of the bill the other day, and I informed the Senator from North Carolina, the chairman of the Committee on Finance, having the bill in charge, that I would oppose it unless the amendments which have been submitted by the Senator from Arizona were made to it.

Mr. SIMMONS. Mr. President, I desire to make one statement regarding the bill. As it passed the House it provided only for what are known as garbanzo peas. It was amended by the Committee on Finance at the suggestion of the Treasury Department so as to include wheat, barley, and other grains. The Senator from North Dakota [Mr. GRONNA] objects to those additions, and I am perfectly content to have them stricken from the bill and that the bill should be passed.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the storing and cleaning of imported Mexican peas, commonly called 'garbanzo.'"

THE FEDERAL TRADE COMMISSION.

Mr. LEWIS. Mr. President, may I now ask the unanimous consent of the Senate to have the address of Hon. Edward N. Hurley, vice chairman of the Federal Trade Commission, made at Boston in the last few days, printed in the Record. Mr. President, this is the only address that sets forth the general procedure of matters which come before that commission, and also

establishes the relationship that this commission bears to the general trade of the whole country and the manner in which it may be remedied wherever there is complaint before that body. It also discloses directions as to economy and finance of value to all the commercial men of the Nation, and copies have been demanded in numbers approximating 5,000.

Mr. HUGHES. Mr. President, we have enforced the rule against matter happening outside the Chamber. We can not now make an exception. Will the Senator not let us give him privilege to print as a document?

Mr. LEWIS. The Senator from New Jersey asks me to consent to have a document of this; but, Mr. President, an address made by another member of the commission was put in the Record, and it is the desire of the vice chairman to have this put in the Record so that both may be read in the Record upon the same level with each other. I know I ask an exception to the general rule, but this is an exceptional address.

I am anxious to have this accommodation afforded, if it can be done without a violation of any rule.

Mr. SMOOT. Because we made a mistake before it is no excuse for us to make another one. This is the same matter the Senator has brought up a number of times this week. I must object to it going into the Record. I have no objection to its being printed as a public document, but I do object to printing it in the Record.

Mr. LEWIS. I ask the Senator to withhold his objection for the present. I could not accept to have it made a document until I can confer with those who have asked me to present Mr. Hurley's address for the Record. Therefore I temporarily withdraw it from consideration and will return to it later after I have presented to those interested the condition of our rules on this subject, and that the disposition is to allow it to be made a public document, if I will consent.

Mr. SMITH of Georgia. I suggest to the Senator that it will be better to print it as a public document. It will be of more use to those of us who wish to read and keep it. I could not get a speech made from the outside on similar subjects printed in the Record, and we can not under our conditions make exception, as much as we would like to accommodate the Senator.

Mr. LEWIS. I withhold the matter for the present.

PUBLIC PRINTING AND BINDING.

The bill (S. 1107) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications was announced as next in order.

Mr. SUTHERLAND, Mr. LA FOLLETTE, and Mr. GALLINGER. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

NATIONAL BANKING ACTS (S. DOC. NO. 412).

The resolution (S. Res. 110) to print the pamphlet entitled "The National Bank Act and Other Laws Relating to National Banks" as a Senate document was read, considered, and agreed to as follows:

Resolved, That the pamphlet submitted by the Senator from Oklahoma [Mr. OWEN] on December 13, 1915, entitled "The National Bank Act as Amended, the Federal Reserve Act, and Other Laws Relating to National Banks," be printed as a Senate document, and that 1,000 additional copies be printed for the use of the Senate document room.

MEMORIAL TO ALFRED NOBLE.

The joint resolution (S. J. Res. 63) authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial to Alfred Noble was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on the Library with amendments on page 2, line 1, after the word "memorial," to insert "fountain"; in line 4, after the word "memorial," to insert "fountain"; and in line 5, after the word "memorial," to insert "fountain," so as to make the joint resolution read:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission to the American Society of Civil Engineers for the erection on public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, the Library of Congress, and the White House, of a memorial fountain to Alfred Noble, a civil engineer of distinguished ability in connection with Government work, whose services have been of conspicuous benefit to the country: *Provided*, That the site chosen and the design of the memorial fountain shall be approved by the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of the said memorial fountain: *Provided further*, That if the erection of this memorial fountain shall not be begun within three years from and after the passage of this resolution the permission granted may, in the discretion of the Chief of Engineers, be revoked at any time.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial fountain to Alfred Noble."

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 4654) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. SMITH of Georgia. Let that go over.

The VICE PRESIDENT. The bill will go over.

JUVENILE COURT FOR THE DISTRICT OF COLUMBIA.

The bill (H. R. 9803) to emancipate from certain disabilities children who have judgments of conviction for crime of record against them in the Juvenile Court of the District of Columbia was considered as in Committee of the Whole. It provides that no judgment of conviction against any child of record in the Juvenile Court of the District of Columbia under an act entitled "An act to create a juvenile court in and for the District of Columbia," approved March 19, 1906, shall operate as a disqualification of any such child for jury duty, or for holding office, or for any other public service under the Government of the United States or the District of Columbia, and no child against whom a judgment of conviction may stand in said Juvenile Court of the District of Columbia under said act aforesaid shall be denominated a criminal by reason of any such judgment, nor shall such judgment be denominated a conviction.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 645) to provide for the closing of barber shops in the District of Columbia on Sunday was announced as next in order.

Mr. HARDING. I ask that the bill may go over.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 7571) to provide for the appointment of the recorder of deeds of the District of Columbia by the Commissioners of the District of Columbia was announced as next in order.

Mr. SMITH of Georgia. Let that go over.

Mr. LODGE. It is an adverse report.

Mr. SMITH of Georgia. I think we may be able to amend it and put it in a shape where the Senate would like to pass it.

Mr. SMOOT. Then let it go over.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 11240) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors was announced as next in order.

Mr. SMITH of Georgia. This is to pension soldiers and sailors other than those of the Civil War. I object.

Mr. JOHNSON of Maine. It is a House bill.

Mr. SMITH of Georgia. But it is not only for soldiers of the Civil War but for those other than of the Civil War.

Mr. JOHNSON of Maine. That is true. The bill has been on the calendar for nearly two months.

Mr. SMITH of Georgia. I do not object to regular Civil War pension bills, and I am not going to object to any of them, but when it comes to the Spanish-American War I think the rules applicable to Civil War pensioners ought not to be applied to Spanish-American War pensioners. I want to have an opportunity to look at this bill.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 50) authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation, was announced as next in order.

Mr. LA FOLLETTE. I think that had better go over.

The VICE PRESIDENT. It goes over.

The bill (S. 3329) for an appropriation of \$105,000 to purchase water rights within the West Okanogan Valley irrigation district, and for other purposes was announced as next in order.

Mr. CURTIS. Let that go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 4424) to provide for the payment of drainage assessments on Indian lands in Nebraska was announced as next in order.

Mr. NORRIS. Let that go over.

The VICE PRESIDENT. The bill will go over.

JOSHUA NICHOLLS.

The bill (S. 509) for the relief of the heirs of Joshua Nicholls was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 7, to strike out "\$33,450" and insert "\$20,450," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Elizabeth R. Nicholls and Joanna L. Nicholls, heirs at law of Joshua Nicholls, deceased, out of any money in the Treasury not otherwise appropriated, the sum of \$20,450, for and on account of property belonging to said Joshua Nicholls destroyed and captured by the United States soldiers in the year 1863, in the State of South Carolina, during the late Civil War. The said Joshua Nicholls was throughout said war a loyal citizen of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN B. MONAHAN.

Mr. LANE. I should like to return to the bill (S. 640) for the relief of Ellen B. Monahan.

Mr. SMOOT. I will say to the Senator from Oregon that that bill was objected to by the Senator from California [Mr. WORKS]. It went over upon his objection, and he is absent from the Chamber now.

Mr. LANE. All right.

JAMES STANTON.

The bill (H. R. 5835) for the relief of James Stanton was considered as in Committee of the Whole. It proposes to pay to James Stanton, of Leavenworth, Kans., \$1,912.40, the same being for extra work performed by said James Stanton on a contract with the War Department, dated June 8, 1908, for grading, paving, curbing, and rock hauling on Grant Avenue, Fort Leavenworth, Kans.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEW ENGLAND COAL & COKE CO.

The bill (H. R. 7862) for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Bruusgaard Kiosterud Dampskibsselskab, owner of the Norwegian steamship *Hesperos*, was considered as in Committee of the Whole. The bill is as follows:

Be it enacted, etc., That the claim of the New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and the claim of Bruusgaard Kiosterud Dampskibsselskab, owner of the steamship *Hesperos*, for injuries alleged to have been suffered in collisions which occurred in Elizabeth River, Va., on October 18, 1915, between the U. S. S. *Arcthusa* and said barges and U. S. S. *Arcthusa* and the *Hesperos*, for and on account of the damages resulting to said barges and said steamship *Hesperos*, respectively, by reason of said collisions, may be submitted to the United States court in the district in which suit shall be filed by the United States to recover damages and losses by said collision, under and in compliance with the rules of said court sitting as a court of admiralty; and the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the damages sustained by reason of said collisions, if any shall be found to be due either for or against the United States, upon the same principles and measure of liability, with costs as in like cases in admiralty between private parties, and with the same right of appeal.

Sec. 2. That the mode of service of process shall conform to the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNITED STATES DRAINAGE & IRRIGATION CO.

The bill (H. R. 7248) for the relief of the United States Drainage & Irrigation Co. was considered as in Committee of the Whole. It proposes to pay to the United States Drainage & Irrigation Co., a corporation existing under the laws of the State of New York, \$9,498.43, in full for additional work performed by said United States Drainage & Irrigation Co. under its certain contract with the War Department, dated December 15, 1911, for jetty work at the mouth of Broadkill River, Del.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADMINISTRATOR OF H. B. GARTON.

The bill (H. R. 7502) for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased, was considered as in Committee of the Whole. It proposes to confer jurisdiction upon the Court of Claims to rehear, retry, determine, and finally adjudicate the claim of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased, No. 70075, Indian depredations, in the Court of Claims, and to award judgment therein as fully and completely as if the petition had not been dismissed, and also gives full jurisdiction and power to the Court of Claims to rehear and retry the claim upon all evidence that has been or may be presented upon a hearing in the case.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The resolution (S. Res. 107) relative to leasing of Osage oil lands was announced as next in order.

Mr. CURTIS. Mr. President, I think that had better go over.

The VICE PRESIDENT. The resolution goes over.

The bill (S. 1093) to permit the Denison Coal Co. to relinquish certain lands embraced in its Choctaw and Chickasaw coal lease and to include within said lease other lands with the segregated coal area was announced as next in order.

Mr. LA FOLLETTE. I think that had better go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 1100) to pay the balance due the loyal Creek Indians on the award made by the Senate on February 16, 1903, was announced as next in order.

Mr. CURTIS. Mr. President, I desire to be present when this bill is taken up, and if it is in order under the rule, I move that the bill go to the Calendar under Rule IX.

The VICE PRESIDENT. Without objection, the bill will go to the calendar under Rule IX.

The bill (S. 1096) to provide for carrying into effect of the agreement between the United States and the Muskogee (Creek) Nations of Indians ratified by act of Congress approved March 1, 1901, and supplemental agreement of June 30, 1902, and other laws and treaties with said tribe of Indians, was announced as next in order.

Mr. CURTIS. Mr. President, I make the same motion with respect to that bill which I made as to the bill just preceding it.

Mr. SMITH of Georgia. Mr. President, the Senator from Oklahoma [Mr. OWEN] is absent from the Chamber. He reported the bill, and seems to be in charge of the matter. I object to the bill going over under Rule IX. Indeed, I object to either of the bills being placed under Rule IX. Of course, that would cut them out of consideration entirely on this order of the calendar. We can pass them to-day.

Mr. CURTIS. Mr. President, these two measures have been before the Senate many times and have always been defeated. I wish to be present when they are taken up, as I do not desire to have them go through this body without opposition. They are very objectionable bills. I should, therefore, like to have them go to the calendar under Rule IX. Then they can only be taken up on motion. If it is in order, I move that Senate bill 1096 go to the calendar under Rule IX.

Mr. SMITH of Georgia. Mr. President, I make the point of order that the motion is out of order at the present time. We are proceeding under a motion, which we adopted, to call the calendar and dispose of those cases which are not objected to. That order is not broad enough to permit the change of position of these bills on the calendar.

The VICE PRESIDENT. Does the Senator from Georgia make a point of order, or does he object to the consideration of the bill?

Mr. SMITH of Georgia. I object to the immediate consideration of the bill, and I also object—

The VICE PRESIDENT. The bills will go over on the objection of the Senator from Georgia.

The bills referred to are as follows:

A bill (S. 1100) to pay the balance due the loyal Creek Indians on the award made by the Senate on February 16, 1903; and A bill (S. 1096) to provide for carrying into effect of the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901, and supplemental agreement of June 30, 1902, and other laws and treaties with said tribe of Indians.

The bill (S. 4251) to authorize the Ponca Tribe of Indians to appear in and be made parties to any suits filed in the Court of Claims by the Omaha Tribe was announced as next in order.

Mr. HITCHCOCK. I ask that that go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

The bill (S. 1094) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States was announced as next in order.

Mr. SMOOT. Mr. President, Orders of Business 218, 219, and 220 are all about the same class of bills, and I ask that they all go over.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

The bills referred to are as follows:

A bill (S. 1094) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States;

A bill (S. 1098) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians; and
 A bill (S. 4250) for the relief of the Ottawa Indian Tribe of Blanchards Fork and Roche de Beauf.

CLAIMS OF INDIANS ON FORT BERTHOLD RESERVATION, N. DAK.

The bill (S. 4526) authorizing the Arikara, Gros Ventre, and Mandan Tribes of Indians, of the Fort Berthold Reservation, N. Dak., to submit claims to the Court of Claims, was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That all claims of whatsoever nature which any or all of the tribes of Indians of the Fort Berthold Reservation, N. Dak., may have against the United States, which have not heretofore been determined by the Court of Claims, may be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said tribes from the United States under any treaties, agreements, or laws of Congress, or for the misappropriation of any of the funds of said tribes, or for the failure of the United States to pay said tribe any money or other property due; and jurisdiction is hereby conferred upon the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States to hear and determine all legal and equitable claims, if any, of said tribe against the United States, and to enter judgment thereon.

SEC. 2. That if any claim or claims be submitted to said courts, they shall settle the rights therein, both legal and equitable, of each and all the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums heretofore paid or expended for the benefit of said tribe or any band thereof. The claim or claims of the said tribes or band or bands thereof may be presented separately or jointly by petition, subject, however, to amendment, suit to be filed within five years after the passage of this act; and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States party defendant, and any band or bands of said tribe the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order. Such petition, which shall be verified by the attorney or attorneys employed by said tribes or any bands thereof, shall set forth all the facts on which the claims for recovery are based, and said petition shall be signed by the attorney or attorneys employed, and no other verification shall be necessary. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribe or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribes or bands of Indians.

SEC. 3. That upon the final determination of such suit, cause, or action the Court of Claims shall decree such fees as it shall find reasonable to be paid the attorney or attorneys employed therein by said tribe or bands of Indians, under contracts negotiated and approved as provided by existing law, and in no case shall the fee decreed by said Court of Claims be in excess of the amounts stipulated in the contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and no attorney shall have a right to represent the said tribe or any band thereof in any suit, cause, or action under the provisions of this act until his contract shall have been approved as herein provided. The fees decreed by the court to the attorney or attorneys of record shall be paid out of any sum or sums recovered in such suits or actions, and no part of such fee shall be taken from any money in the Treasury of the United States belonging to such tribes or bands of Indians in whose behalf the suit is brought unless specifically authorized in the contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior as herein provided: *Provided*, That in no case shall the fees decreed by said court amount to more than 10 per cent of the amount of the judgment recovered in such cause.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMY AND NAVY MEDAL OF HONOR ROLL.

The bill (H. R. 4701) to establish in the War Department and in the Navy Department, respectively, a roll designated as "the Army and Navy medal of honor roll," and for other purposes, was announced as next in order.

Mr. SMITH of Georgia. Mr. President, I object to the consideration of that bill.

Mr. WARREN. Will not the Senator from Georgia withhold that objection for a moment?

Mr. SMITH of Georgia. I withhold my objection for a moment.

Mr. WARREN. I wish the Senator from Georgia to understand what the bill is. I feel some responsibility for the bill, Mr. President, because there are many poor men who might benefit by its passage who will expect me to represent them here, since I happen at this moment to be the only one whose duty it is to explain the measure. It is a bill which has twice passed the other House and has been favorably reported twice in this body. It is a bill which provides \$10 per month for every man 65 years old who for exceptional gallantry in battle has been awarded the congressional medal of honor. The number of men who can receive the benefits of this bill is but few, and the total amount per annum can hardly exceed \$12,000, which will most likely rapidly grow less. I think every nation provides special pensions or extra allowances to all those who have been thus honored, and in most countries the amount is greater than provided for in this bill.

Originally under the law only enlisted men—privates and noncommissioned officers—could receive the bestowal of the congressional medal, but later commissioned officers were included, and also the Navy was included with the Army. The conditions now imposed are very exacting, and but very few are recipients of the medal.

Heretofore I have hesitated about any monetary consideration being added to the exceptional distinction of possessing the highest national honor medal within the gift of any nation; but while very many may never apply for this pension, yet many others are poor, crippled, ill, and in need. They took their lives in their hands to perform feats of daring uncalled for in the way of regular assigned duty, and this in time of our Nation's great need.

Mr. SMITH of Georgia. This is a bill with reference to medals of honor. It excludes the bunch that came altogether from some one State?

Mr. WARREN. Yes.

Mr. SMITH of Georgia. Then, I do not object to its consideration.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That there is hereby established in the War Department and Navy Department, respectively, a roll designated as "the Army and Navy medal of honor roll." Upon written application made to the Secretary of the proper department, and subject to the conditions and requirements hereinafter contained, the name of each surviving person who has served in the military or naval service of the United States in any war, who has attained or shall attain the age of 65 years, and who has been awarded a medal of honor for having in action involving actual conflict with an enemy distinguished himself conspicuously by gallantry or intrepidity, at the risk of his life, above and beyond the call of duty, and who was honorably discharged from service by muster out, resignation, or otherwise, shall be, by the Secretary of the proper department, entered and recorded on said roll. Applications for entry on said roll shall be made in such form and under such regulations as shall be prescribed by the War Department and Navy Department, respectively, and proper blanks and instructions shall be, by the proper Secretary, furnished without charge upon request made by any person claiming the benefits of this act.

SEC. 2. That it shall be the duty of the Secretary of War and of the Secretary of the Navy to carry this act into effect and to decide whether each applicant, under this act, in his department is entitled to the benefit of this act. If the official award of the medal of honor to the applicant, or the official notice to him thereof, shall appear to show that the medal of honor was awarded to the applicant for such an act as is required by the provisions of this act, it shall be deemed sufficient to entitle the applicant to such special pension without further investigation. Otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence now on file in any public office or department shall be considered. A certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for which the medal of honor was awarded, and of enrollment under this act, and of the right of the special pensioner to be entitled to and to receive the special pension herein granted, shall be furnished each person whose name shall be so entered on said roll. The Secretary of War and the Secretary of the Navy shall deliver to the Commissioner of Pensions a certified copy of each of such said certificates as he may issue, as aforesaid, and the same shall be full and sufficient authority to the Commissioner of Pensions for the payment by him to the beneficiary named in each such certificate the special pension herein provided for.

SEC. 3. That each such surviving person whose name shall have been entered on said roll in accordance with this act shall be entitled to and shall receive and be paid by the Commissioner of Pensions in the Department of the Interior, out of any moneys in the Treasury of the United States not otherwise appropriated, a special pension of \$10 per month for life, payable quarter yearly. The Commissioner of Pensions shall make all necessary rules and regulations for making payment of such special pensions to the beneficiaries thereof.

Such special pension shall begin on the day that such person shall file his application for enrollment on said roll in the office of the Secretary of War or of the Secretary of the Navy after the passage and approval of this act, and shall continue during the life of the beneficiary.

Such special pension shall not deprive any such special pensioner of any other pension or of any benefit, right, or privilege to which he is or may hereafter be entitled under any existing or subsequent law, but shall be in addition thereto.

The special pension allowed under this act shall not be subject to any attachment, execution, levy, tax, lien, or detention under any process whatever.

SEC. 4. That in case any person has been awarded two or more medals of honor, he shall not be entitled to and shall not receive more than one such special pension.

Rank in the service shall not be considered in applications filed hereunder.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. SMITH of Georgia. Mr. President—

Mr. SMOOT. This is a Civil War pension bill.

Mr. SMITH of Georgia. Is it confined exclusively to soldiers of the Civil War?

Mr. SMOOT. Yes.

Mr. SMITH of Georgia. Then I do not object to its consideration.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 3, line 7, before the words "per month," to strike out "\$33" and insert "\$40," so as to make the clause read:

The name of John A. Weaver, late of Company K, Sixty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, line 6, before the words "per month," to strike out "\$27" and insert "\$30," so as to make the clause read:

The name of David J. Ryan, late of Company I, Twenty-first Regiment, and Company D, Forty-first Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 11, after the word "determine," to strike out:

And provided further, That in the event of the death of Margaret Weber, the name of said Charles Weber shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Margaret Weber.

So as to make the clause read:

The name of Margaret Weber, widow of Charles Weber, late of Company E, Fifty-third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of Charles Weber, helpless and dependent child of said Charles Weber, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The next amendment was, on page 7, after line 22, to strike out:

The name of John W. B. Huntsman, late of Company C, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 11, before the words "per month," to strike out "24," and insert "\$20," so as to make the clause read:

The name of Elizabeth Smith, widow of Edward W. Smith, late of Company I, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 23, before the words "per month," to strike out "\$27," and insert "\$36," so as to make the clause read:

The name of John Wilson, late of Company B, Twenty-ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 17, before the words "per month," to strike out "\$24," and insert "\$30," so as to make the clause read:

The name of Stephen Johnson, late of Company C, One hundred and twenty-ninth Regiment, and Company H, Forty-fourth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, line 3, before the words "per month," to strike out "\$24," and insert "\$20," so as to make the clause read:

The name of Lucy F. Brown, widow of Latham A. Brown, late acting master United States ship *Kineo*, United States Navy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 20, to strike out:

The name of Ellen G. Roder, widow of Stephen Roder, late of Company I, Eleventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 16, line 7, after the word "Artillery," to insert "War with Mexico, and principal musician Fifty-fifth Regiment Kentucky Volunteer Infantry," so as to make the clause read:

The name of Charles C. Eckert, alias Conrad Eckert, late of Batteries A and D, Third Regiment United States Artillery, War with Mexico, and principal musician Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 13, after the name "Davis," to insert "widow of Joshua B. Davis, late first lieutenant and quartermaster Thirty-first Regiment Illinois Volunteer Infantry, and," so as to make the clause read:

The name of Martha J. Davis, widow of Joshua B. Davis, late first lieutenant and quartermaster Thirty-first Regiment Illinois Volunteer

Infantry, and former widow of Samuel Benedict, late of Company B, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 19, line 4, before the words "per month," to strike out "\$27" and insert "\$30," so as to make the clause read:

The name of Miron Fellows, late of Company C, First Regiment New York Veteran Cavalry, and Company K, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 2, before the words "per month," to strike out "\$24" and insert "\$20," so as to make the clause read:

The name of Eva M. Van Pelt, widow of William D. Van Pelt, late of Company A, Twenty-first Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, line 21, after the name "Sholley," to insert "widow of Jacob H. Sholley, late of Company M, Second Regiment Missouri State Militia Cavalry, and"; and in line 23, before the word "nurse," to strike out "late a," so as to make the clause read:

The name of Sitha J. Sholley, widow of Jacob H. Sholley, late of Company M, Second Regiment Missouri State Militia Cavalry, and nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, line 1, before the words "per month," to strike out "\$30" and insert "\$20," so as to make the clause read:

The name of Helen D. Harrison, widow of George W. Harrison, late captain, assistant quartermaster, and brevet lieutenant colonel, United States Volunteers, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CLAIMS OF SIOUX TRIBE OF INDIANS.

The bill (S. 4371) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That all claims of whatsoever nature which the Sioux Tribe of Indians may have against the United States, which have not heretofore been determined by the Court of Claims, may be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said tribe from the United States under any treaties, agreements, or laws of Congress, or for the misappropriation of any of the funds of said tribe, or for the failure of the United States to pay said tribe any money or other property due; and jurisdiction is hereby conferred upon the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all legal and equitable claims, if any, of said tribe against the United States, and to enter judgment thereon.

SEC. 2. That if any claim or claims be submitted to said courts, they shall settle the rights therein, both legal and equitable, of each and all the parties thereto notwithstanding lapse of time or statutes of limitation, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums heretofore paid or expended for the benefit of said tribe or any band thereof. The claim or claims of the tribe or band or bands thereof may be presented separately or jointly by petition, subject, however, to amendment, suit to be filed within five years after the passage of this act; and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States party defendant, and any band or bands of said tribe the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order. Such petition, which shall be verified by the attorney or attorneys employed by said Sioux Tribe or any bands thereof, shall set forth all the facts on which the claims for recovery are based, and said petition shall be signed by the attorney or attorneys employed, and no other verification shall be necessary. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribe or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribe or bands of Indians.

SEC. 3. That upon the final determination of such suit, cause, or action the Court of Claims shall decree such fees as it shall find reasonable to be paid the attorney or attorneys employed therein by said tribe or bands of Indians under contracts negotiated and approved as provided by existing law, and in no case shall the fee decreed by said Court of Claims be in excess of the amounts stipulated in the contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and no attorney shall have a right to represent the said tribe or any band thereof in any suit, cause, or action under the provisions of this act until his contract shall have been approved as herein provided. The fees decreed by the court to the attorney or attorneys of record shall be paid out of any sum or sums recovered in such suits or actions, and no part of such

fees shall be taken from any money in the Treasury of the United States belonging to such tribe or bands of Indians in whose behalf the suit is brought unless specifically authorized in the contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior as herein provided: *Provided*, That in no case shall the fees decreed by said court amount to more than 10 per cent of the amount of the judgment recovered in such cause.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 8092) confirming patents heretofore issued to certain Indians in the State of Washington, was announced as next in order.

Mr. CURTIS. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4722) for the relief of the occupants of the Tuttle town site, was announced as next in order.

Mr. CURTIS. I ask that the bill go over. I understand that an item covering that is in the Indian appropriation bill which was recently passed.

The VICE PRESIDENT. The bill will be passed over.

HOURS OF SERVICE OF RAILROAD EMPLOYEES.

The bill (S. 3769) to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 2, after line 23, to strike out:

SEC. 2. That nothing in this act shall be held to affect or abate any violation of the act hereby amended or any suit or action pending because of such violation at the time of the approval of this act.

And in lieu thereof to insert:

SEC. 2. That nothing in this act shall affect, or be held to affect, any suit that may be instituted for recovery of penalty for violation of the act hereby amended occurring prior to the approval of this act, or any suit for such penalty or growing out of alleged violation of the act hereby amended which may be pending in any court at the time of the approval of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN L. MOON.

The bill (S. 3539) for the relief of John L. Moon was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to John L. Moon, of Opelika, Lee County, Ala., the sum of \$200, as a reward for services rendered in the apprehension of criminals in the burglary of the United States post office at Auburn, Ala.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF FISHERIES.

The bill (S. 4401) to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predacious fishes and aquatic animals was considered as in Committee of the Whole.

The bill had been reported from the Committee on Fisheries with an amendment to strike out all after the enacting clause and insert:

That the Commissioner of Fisheries be, and he is hereby, authorized and directed to conduct investigations and experiments for the purpose of ameliorating the damage wrought to the fisheries by dogfish and other predacious fishes and aquatic animals.

SEC. 2. That the said investigations and experiments shall be such as to develop the best and cheapest means of taking such fishes and aquatic animals, of utilizing them for economic purposes, especially for food and to encourage the establishment of fisheries and markets for them.

SEC. 3. That the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Commissioner of Fisheries to carry out the provisions of this act, the same to be immediately available.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

JAMES C. HILTON.

The bill (S. 606) for the relief of James C. Hilton was considered as in Committee of the Whole. It directs the Secretary of the Treasury to credit in the accounts of Passed Asst. Paymaster James C. Hilton, United States Navy, \$6,033.61, being the amount stolen from United States funds by a person or persons unknown and charged against the accounts of James C. Hilton on the books of the Treasury Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEPOSITS OF ASSETS OF INSOLVENT NATIONAL BANKS.

The bill (H. R. 3575) to amend section 5234 of the Revised Statutes of the United States so as to permit the Comptroller of the Currency to deposit upon interest the assets of insolvent national banks in other national banks of the same or of an adjacent city or town was considered as in Committee of the Whole.

The bill had been reported from the Committee on Banking and Currency with an amendment, on page 2, line 4, before the word "for," to insert "with the Treasurer of the United States," so as to make the bill read:

Be it enacted, etc., That section 5234 of the Revised Statutes of the United States be amended by adding at the end thereof the following:

"*Provided*, That the comptroller may, if he deems proper, deposit any of the money so made in any regular Government depository or in any State or National bank either of the city or town in which the insolvent bank was located or of a city or town adjacent thereto as practicable. If such deposit is made, he shall require the depository to deposit United States bonds or other satisfactory securities with the Treasurer of the United States for the safe-keeping and prompt payment of the money so deposited. Such depository shall pay upon such money interest at such rate as the comptroller may prescribe, not less, however, than 2 per cent per annum upon the average monthly amount of such deposits.

The amendment was agreed to.

Mr. HUGHES. Mr. President, I have no objection to what is evidently the purpose of the bill, but I want to call attention to the language of the proviso which reads:

That the comptroller may, if he deems proper, deposit any of the money so made.

I do not know what that language means, and I will inquire if any Senator can explain it?

Mr. NELSON. Mr. President, I desire to state that the purpose of the bill is to provide in the case of insolvent banks when they are placed in the hands of receivers that whatever money is collected may be deposited in banks in the neighborhood of the insolvent bank.

Mr. HUGHES. Is that what is meant by the words "deposit any of the money so made"?

Mr. NELSON. That means money made out of the receivership; that is all. The bill is designed to keep the money in the neighborhood instead of sending it off to some large city in a central point.

Mr. HUGHES. If the language is satisfactory to the Senator, it is to me; but I do not entirely understand it.

Mr. NELSON. That is the only purpose of the bill.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER.

The bill (S. 3927) for the relief of the legal representatives of Francis Busch, deceased, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The bill will be passed over.

MAINE CENTRAL RAILROAD CO.

The bill (S. 3405) for the relief of the Maine Central Railroad Co. was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,566 to the Maine Central Railroad Co. for a special train from Mount Desert Ferry, Me., to New York City conveying foreign mails from the steamship *Kronprinzessin Cecile*, per order of the acting superintendent of the Railway Mail Service at Boston, Mass., August 6, 1914.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATIONS, OREGON.

The bill (S. 1550) to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon was considered as in Committee of the Whole.

The bill had been reported from the Committee on Fisheries with an amendment on page 1, line 6, after the word "Oregon," to insert "or the State of Washington," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized and directed to establish two or more fish-cultural stations on the Columbia River or its tributaries in the State of Oregon or the State of Washington for the propagation of salmon and other food fishes, and to make the necessary surveys, and purchase sites, construct ponds and buildings, construct, purchase, and hire boats and

equipments, and employ such assistance as may be required for the construction and operation of such fish-cultural stations at suitable points to be selected by the Secretary of Commerce, and the number of such stations to be determined by him; and for said purpose the sum of \$100,000 is hereby authorized to be appropriated: *Provided*, That before any final steps shall have been taken for the construction of fish-cultural stations in accordance with this bill, the States of Oregon and Washington, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper: *Provided further*, That the operations of said hatcheries may be suspended by the Secretary of Commerce whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatcheries.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon or the State of Washington."

BILL PASSED OVER.

The bill (S. 4418) to establish game sanctuaries in national forests, and for other purposes was announced as next in order. Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

GILA RIVER, ARIZ.

The bill (S. 4655) authorizing and directing the Secretary of the Interior to determine the most suitable method of preventing further erosion and overflow on Gila River, Ariz., was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to cause to be made by competent engineers the necessary examinations, investigations, and surveys for the purpose of determining the most suitable and practical method or methods of constructing levees, revetments, or other suitable works sufficient to prevent the Gila River from further eroding and wearing and washing away its banks and from further overflowing its banks at any point in Graham County, Ariz.; provides that said engineers shall also determine and report upon the most suitable, feasible, and practicable means of holding the said river within a fixed channel as it flows through said Graham County; provides that said Secretary shall submit to Congress the results of such examinations, investigations, and surveys, together with an estimate of the cost thereof, with recommendations thereon, at the earliest practicable date; and appropriates \$15,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the purpose of conducting the investigations, examinations, and surveys.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 4586) to protect and conserve the halibut fisheries of the Pacific Ocean, to establish closed seasons in halibut fishing in certain waters thereof, and to restrict the landing of halibut in the United States of America and the Territory of Alaska during the closed seasons established was announced as next in order.

Mr. JONES. Mr. President, that is a bill I have not had an opportunity to give any consideration. I did not know it was pending before the Committee on Fisheries. I ask that it may go over until I can have a chance to examine it.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4884) for the relief of the estate of A. B. Denton was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8592) for the relief of the heirs of C. S. Barbee was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9291) for the relief of the estate of Thomas J. Mellon was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8787) for the relief of the heirs of Hundley V. Fowler, deceased, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9458) for the relief of the heirs of Santos Benavides was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over. The bill (H. R. 9459) for the relief of the heirs of S. P. H. Williams was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9555) for the relief of the estate of Thomas N. Aaron was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9556) for the relief of the heirs of John Faulkner was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9635) for the relief of the estate of Williamson Page was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 5986) for the relief of the heirs of the late Peter Deel was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 10933) for the relief of the estate of Paul A. Swink was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 3447) for the relief of the legal representatives of the estate of Robert B. Pearce was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

FLATHEAD INDIAN RESERVATION, MONT.

The bill (S. 1059) to provide for the payment for certain lands within the former Flathead Indian Reservation, in the State of Montana, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands, with amendments, on page 1, line 7, after the word "June," to strike out "sixth" and insert "twenty-fifth"; on line 8, after the words "nineteen hundred and," to strike out "twelve" and insert "ten"; and on page 2, line 1, after the word "have," to strike out "heretofore settled upon or entered such lands" and insert "between August 26, 1910, and June 14, 1911, settled upon, or between said dates filed applications to enter such lands, and which applications have been or may hereafter be allowed," so as to make the bill read:

Be it enacted, etc., That in all cases where lands within the former Flathead Indian Reservation which were classified and appraised during the years 1912 and 1913 by the commission appointed for that purpose under authority of the act of June 25, 1910, have been appraised at an amount in excess of the amount at which similar lands were appraised by the Flathead Commission of 1907 and 1908, persons who have between August 26, 1910, and June 14, 1911, settled upon, or between said dates filed applications to enter, such lands, and which applications have been or may hereafter be allowed, shall not be required to pay more for the lands so settled upon or rented by them than the highest amount specified by the Flathead Commission of 1907 and 1908 for lands of like character and similar classification.

SEC. 2. That in all cases where patents shall be issued for land paid for under the foregoing sections of this act there shall be transferred, from any funds belonging to the United States not otherwise appropriated, to the credit of the Indians for whose benefit such lands are disposed of, such an amount as shall equal the difference between the amount so paid under said sections and the amount at which the lands so paid for have been appraised or reappraised by the commission of 1912 and 1913.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 1065) to provide for summer-residence homesteads, and for other purposes, was announced as next in order.

Mr. NORRIS. Let that bill go over.

Mr. MYERS. I hope the Senator who made that objection will at least wait until the bill is read, and see the nature of it. Under the rule I believe he can object at any time.

Mr. NORRIS. I have no objection to having the bill read, but I shall object to its consideration. I know what the bill is.

Mr. SMOOT. There is no need of wasting time.

Mr. NORRIS. I thought I would interpose the objection now, in order to save time.

Mr. MYERS. I do not make the request, then.

LANDS IN GLACIER NATIONAL PARK.

The bill (S. 1741) for the relief of certain homestead entrymen for land within the limits of the Glacier National Park was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 1, line 5, after the words

"Pat Doyle," to insert "Walter E. Barricklow," so as to make the bill read:

Be it enacted, etc., That the homestead entries heretofore made by Howard E. Jones, Ernest R. Henthorn, Daniel C. Doverspike, Ora Reeves, Louis N. Fournier, Pat Doyle, Walter E. Barricklow, and Frank Kelly for lands within the limits of the Glacier National Park, in the Kalispell, Mont., land district, which entries were allowed under an order issued by the Secretary of the Interior on May 21, 1910, based upon lists approved by the Secretary of Agriculture prior to the passage of the act of May 11, 1910 (36 Stat. L., p. 354), creating the said Glacier National Park, be, and they are hereby, excepted from the force and effect of said act of May 11, 1910: *Provided*, That should said entries not be perfected as required by law the lands embraced therein shall revert to and become a part of the said Glacier National Park.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DELILAH SIEBENALER.

The bill (S. 1746) for the relief of Delilah Siebenaler was considered as in Committee of the Whole. It authorizes the Secretary of Agriculture to refund to Delilah Siebenaler the sum of \$188.41, paid to the Department of Agriculture by said Delilah Siebenaler for certain timber which she cut from her homestead entry within the Cabinet Forest Reserve, Mont., prior to her receipt of patent therefor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PATENTS AND SURVEYS OF PRIVATE LAND CLAIMS.

The bill (S. 1860) in reference to the issuance of patents and copies of surveys of private land claims was considered as in Committee of the Whole. It provides that upon the payment into the Treasury of the United States of one-half of the cost of surveying and platting, which may have heretofore been made and not paid for, or which may be hereafter made, of any private land claim in New Mexico which may have been confirmed, and in reference to which the survey and plat thereof may have been or may be reported to the General Land Office and approved, a patent shall be issued to the conferee, his heirs or assigns, for such claim, and also copies of the field notes of such approved survey and plat thereof, when requested from the proper officer, the cost of the copies of such field notes of such survey and plat to be paid for by the conferee, his heirs or assigns, in addition to paying the said one-half of the cost of surveying and platting said claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHNSTON-M'CUBBINS INVESTMENT CO.

The bill (S. 3257) for the relief of Johnston-McCubbins Investment Co. was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to Johnston-McCubbins Investment Co., out of any money in the Treasury not otherwise appropriated, being settlement in full of an unpaid balance of rental due for discontinued terminal railway post-office premises used for terminal purposes in the city of Salisbury, N. C., from December 16, 1913, to July 1, 1914, the sum of \$644.33.

Mr. SMOOT. Mr. President, is there a report on the bill?

The PRESIDING OFFICER. There is no report on the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATE SUITS AGAINST FEDERAL GOVERNMENT.

The bill (S. 5126) giving the consent of the United States for the bringing of certain suits in the Supreme Court of the United States, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that bill go over.

Mr. SMITH of Georgia. Mr. President—

Mr. LODGE. Mr. President, I hope the Senator from Utah will not object to the consideration of the bill. It simply gives certain States the right to sue; that is all. I do not see why those States should be deprived of the right.

Mr. SMOOT. I have no objection at all to the bill, but the last time the calendar was under consideration there was an objection.

Mr. SMITH of Georgia. Mr. President, I would suggest to the Senator that the Judiciary Committee, after having this matter under consideration for quite a length of time, worked on it until I think we all agreed that this bill was proper.

Mr. LODGE. My State has a claim, and other States have claims, and I think they ought to be allowed to go in like a private suitor to try the claims. This covers all of them.

Mr. SMOOT. Then I will not object to the consideration of the bill; and if the Senator who made the objection before wants to do so, he can ask for a reconsideration.

Mr. WORKS. Mr. President, I should not like to have the statement made by the Senator from Georgia passed by. He says that the whole Committee on the Judiciary was satisfied with the bill.

Mr. SMITH of Georgia. I was under that impression.

Mr. WORKS. I think the Senator is mistaken about that; but I am not going to object to the present consideration of the bill. My objection to the bill was that this litigation ought not in the first instance to go into the Supreme Court of the United States. The Senator may remember that I made that objection.

Mr. SMITH of Georgia. I was under the impression that when we finally passed upon it there was no objection. There were several objections at times. If I was mistaken about that, I thank the Senator for correcting me.

Mr. WORKS. My opinion about it is that the jurisdiction of the Court of Claims should be enlarged, and any suits of this kind should be commenced in that court. I object to loading up the Supreme Court of the United States with original jurisdiction.

Mr. CHILTON. Mr. President, I simply ask permission to print in the RECORD the report of the subcommittee to the Committee on the Judiciary, giving the history of this matter and the authorities.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The report is as follows:

The Committee on the Judiciary, to whom were referred S. 902, S. 4059, and S. J. Res. 68, all of which sought to give the consent of the United States that suits may be brought against it by the States, beg leave to report as follows:

In addition to the above, S. 3346, giving to the Court of Claims jurisdiction to adjudicate certain claims of the State of Massachusetts against the Federal Government, was also referred to the Committee on the Judiciary, but that bill was reported back to the Senate and the Committee on the Judiciary was discharged from further consideration thereof and the same was referred to the Committee on Claims. However, if the solution of the subject made by the Committee on the Judiciary shall be approved by the Senate, it is submitted that there may be no need of any further consideration by the Senate of that bill.

The committee recommend as a substitute for all the bills above mentioned and pending before it the following:

"Be it enacted, etc., That any State which now has or hereafter shall have a cause of action against the United States, which, as between individuals, would be cognizable in a court of justice, is hereby authorized to sue the United States thereon in the Supreme Court of the United States. The United States shall have the right in any such suit to interpose any counterclaim, set-off, equitable, or other defense which could be made by the defendant were such suit between individuals.

"Sec. 2. Process against and notices to the United States in any such suit may be served upon the Attorney General."

And the same is now reported to the Senate with the recommendation that the same do pass as S. 5126, and that the said S. 902, S. 4059, and S. J. Res. 68 be indefinitely postponed.

The judicial power of the United States as fixed by the Constitution extends "to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens, or subjects."

The Constitution further provides that—

"In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make." (Art. 3, sec. 2.)

By the eleventh amendment these powers were restricted as follows: "The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State or by citizens or subjects of any foreign State."

It has been held that the United States can sue a State in an original suit brought in the Supreme Court of the United States. (136 U. S., 211; 143 U. S., 621.)

In the latter case, on page 643, the court says:

"The words in the Constitution, 'in all cases . . . in which a State shall be party, the Supreme Court shall have original jurisdiction,' necessarily refer to all cases mentioned in the preceding clause in which a State may be made, of right, a party defendant, or in which a State may, of right, be a party plaintiff."

These cases settle beyond all question the constitutional power of the Supreme Court of the United States to determine any suit in which a State may be a plaintiff or defendant, as well as the proposition that the United States can sue a State in the Supreme Court of the United States. The anomalous rule of allowing the United States to sue a State without the reciprocal right of a State to sue the

United States rests upon the doctrine that a sovereign can not be sued without its consent, and that the States gave their consent to have suits brought against them by a sister State, or by the United States, when they came into the Union and ratified the Constitution. (143 U. S., 646.) But the United States has not given its consent to be made a defendant, and the purpose of the bills before us and of this substitute bill is to grant that consent.

The question presented is whether or not it is right, just, and expedient to grant that consent. In the above-cited case of the United States v. Texas the question at issue was the boundary line between Texas and the Territory of Oklahoma. It seems that the whole of Greer County governed by Texas was involved, Texas claiming that the county was within the boundary of that State and the United States claiming that it was within the Territory of Oklahoma. The Supreme Court decided that a proper running of the boundary line put Greer County within the Territory of Oklahoma, and thereupon the claim of Texas was held to be erroneous and she was deprived of the jurisdiction which she had theretofore exercised over the county. The effect of the judgment was to transfer the land and people of the whole county from the jurisdiction of the State of Texas to the jurisdiction of the Territory of Oklahoma. If it had happened, by a similar mistake of running the boundary line, that Greer County had been erroneously placed under the jurisdiction of the Territory of Oklahoma, the State of Texas would have been helpless, except by an appeal to Congress, to correct the mistake. No reason has been assigned, and, as we think, no reason can be assigned, why, in this kind of a controversy, the State should not have the same right to appeal to the judicial power of the United States and to the jurisdiction of the Supreme Court for relief. If the sovereign State of Texas could be compelled to release its jurisdiction of a whole county by virtue of a judgment and decree of the Supreme Court, then it would seem only fair, if the position of the parties were reversed, that the Federal Government should be compelled, by the exercise of the same judicial power, to submit to a full legal investigation and to the decree and judgment which would follow the ascertainment of the facts.

The Senate has very recently passed an act granting to the State of Nevada a large tract of land for the benefit of its school fund. The same kind of grant has been made to other States. Under the terms of the grant to Nevada the State makes certain selections and locations under a plan set forth in the act. After the State shall make the selection and location it is entirely possible that there may arise a conflict due to one construction by an engineer or other subordinate officer of the Interior Department on the one side and a claim of the State on the other. If the State shall get upon the wrong side of any such controversy, the United States can fix the boundary and recover her rights by a suit in the Supreme Court of the United States against the State of Nevada. But if it should so happen that the United States through its officer should claim and occupy any part of the land granted to the State, the latter is left to the arbitrary judgment of the Department of the Interior, right or wrong, and has no recourse to any court.

A bill is pending in the Senate to provide for the development of water power and the use of public lands in relation thereto (H. R. 408). Section 13 of that bill provides:

"That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State relating to the control, appropriation, use, or distribution of water."

But suppose rights are claimed by the State, which rights are, in fact, invaded by the execution of the law of Congress. This might make a controversy between the State and the United States. There would be no trouble for the United States to get relief by a suit in the Supreme Court; but the State, however much its rights might be trampled upon by an executive officer, will be relegated to the tedious processes of Congress for relief.

Instances could be multiplied of the need of this reciprocal right of the States to sue the Federal Government. When we recall that the United States has had dealings with States and that contractual relations exist by virtue of acts of Congress and grants of lands, and that controversies have already arisen over boundaries, trust funds, and mutual obligations arising out of these acts and out of actual contracts, it seems that the question whether or not the Federal Government should be compelled to give the States the right to bring suit against it on the grounds of fairness and justice must be answered in the affirmative.

The Federal Government is a sovereign, but so is each of the States. Except so far as they have by the Constitution granted powers to the Federal Government, the States are supreme. Therefore the same reasons which can be urged against compelling the United States to submit to being made a defendant in the Supreme Court could be urged on behalf of each one of the States.

In the case of the United States v. Texas (143 U. S., 648), in a dissenting opinion by Chief Justice Fuller and Mr. Justice Lamar, the position is taken that the United States can not sue a State in an original suit in the Supreme Court. This dissenting opinion makes no reference to the case of The United States v. North Carolina (136 U. S., 211), wherein the original jurisdiction of the Supreme Court was exercised without question; and the only significance to this dissenting opinion is that, as late as 1891, it was seriously denied that the United States could sue a State without the latter's consent.

But for the eleventh amendment the States would have been compelled to submit to suits brought by individuals, because the original grant of judicial power was broad enough to embrace such controversies. (Chisholm v. Georgia, 2 Dall., 419.) This latter decision, holding that a State may be sued in the Supreme Court by a citizen of another State and that judgment may be rendered in default of an appearance, was made in February, 1793. As a direct result of this decision, on the 5th of March, 1794, a resolution of Congress was passed submitting the eleventh amendment to the States for ratification. It is hardly worth while to consider to what extent the States then recognized the right of the Federal Government to sue them in an original suit in the Supreme Court of the United States; but it is altogether probable that had the right been then asserted the eleventh amendment would have contained a provision to compel the United States to submit to a suit by a State to the same extent that the State could be sued by the Federal Government. It must be borne in mind that nowhere in the Constitution is there an express consent given by the States to a suit brought by the United States. That consent is inferred from section 3, article 2. (143 U. S., 646.)

In the last case cited the Supreme Court held that the States, having adopted the Constitution, "agreed" to the grant of judicial power and original jurisdiction in the Supreme Court in all cases "in which a State shall be a party," without excluding those in which the United States

may be the opposite party, and that, therefore, the exercise of original jurisdiction in a suit brought by the United States against a State was not infringing upon the sovereignty of the State, but was "with the consent of the State sued."

It is too late to argue that by the grant of judicial power the States did not mean to create the anomalous condition that if there were mutual accounts between them and the United States which could not be adjusted out of court the State must wait for the Federal Government to bring a suit before it could file its set-off. The thought constantly recurs, however, that the decisions leave the relations between the Federal Government and the States in the position that if the United States should sue a State upon an account the State might file a set-off which would more than avail to defeat the claim of the United States, and yet might not have a judgment over for the difference between the claim of the plaintiff and that of the defendant. The above considerations make it clear that there are no constitutional reasons why this bill should not pass. The grant of judicial power extends to "controversies to which the United States shall be a party." The Supreme Court has held that because original jurisdiction is given in those suits "to which a State shall be a party" the United States may sue a State in the Supreme Court.

It is the opinion of this committee that justice is denied when one party can sue and the other can not. It can not long obtain that the United States can sue a State, denying the reciprocal right to the State, without engendering a feeling of distrust, suspicion, and envy which is not conducive to patriotism and cordiality. The sovereign dignity of the States is as much their pride as is the sovereign dignity of the United States. The judicial construction which has evolved an actual consent of sovereign States to be sued by the Federal Government by an interpretation of article 3, section 2, of the Constitution, has clearly created an anomalous and unfair, if not a dangerous, situation. We hear much these days of the rights of States. All admit that in so far as power has not been granted by the Constitution the States are supreme, but the fear is often expressed that gradually the Federal Government is encroaching upon the rights of the States. Is not this one-sided right to invoke the judicial power, in controversies between the Nation and the States, an instance of such an encroachment, as well as a needless denial of justice?

The suggestion is made that this Republic, composed of 48 sovereign States, each with equal dignity and right, and all, outside of the granted powers in the Constitution, real sovereigns, has so construed the grant of judicial power and of jurisdiction to the Supreme Court as to leave the States, in their contractual relations with the Federal Government, but half sovereigns. A national tribunal has been created which has jurisdiction over all suits to which a State may be a party, and yet the States are in the humiliating position of being compelled to submit to a suit brought by the Federal Government without the reciprocal right of compelling the Government to submit to a suit brought by a State in the same kind of a controversy. In other words, the Federal Government, one sovereign, can compel the State, another sovereign, to keep the latter's obligations; but, no matter how solemn may be the duty and the obligation of the Federal Government, the State is powerless to enforce it. Does not such a condition imply a misconception of the purposes and objects to be attained in giving original jurisdiction to the Supreme Court? How can we expect the States to be satisfied, to feel that security which comes only with the consciousness of justice, when the enforcement of justice is one-sided and arbitrary?

The general grant of judicial power in suits in which the United States may be a party and the grant of original jurisdiction in the Supreme Court in a suit in which a State shall be a party have been so construed as to read that "the judicial power shall extend to suits to which the United States shall be a party plaintiff," whereas the Constitution meant to create a tribunal to try cases in which the United States is a "party."

The substitute bill will put into operation the full judicial power granted by the Constitution.

Upon the grounds of expediency, nothing can be urged against this bill except the possibility of the United States having to defend many suits. Such a claim is an indictment of each one of the 48 States of the Union. It is unfair to the States and entirely inconsistent with their sovereign dignity to presuppose that any of them will attempt to implead the United States except in a controversy which has received careful consideration and which can not be adjusted except by an appeal to the highest court in the land and is of such importance as to demand that judgment.

It might as well be argued that the United States would, upon slight cause, harass the States as it is to contend that the States would, except in the utmost good faith, sue the United States. The States act by the authority of their legislative bodies and through their executive departments. There is nothing in the past history of the government of the States to justify the belief that the legislature of a State would authorize a suit to be brought against the Federal Government unless it was concerning a matter of great importance which could be settled in no other way. If the Federal Government has not abused its right of suit against the States, so we may well conclude the States will not abuse the proposed legislation. The 48 sovereigns of the United States may well be trusted to confine their suits brought under the proposed legislation to matters which comport with the dignity of the Supreme Court and the high regard which the people of the country have for that tribunal.

In the opinion of this committee, the proposed legislation will make for peace, contentment, and good feeling. The Supreme Court of the United States is the national tribunal. It now tries controversies between States involving all sorts of questions of boundary and mutual obligations. (N. J. v. N. Y., 5 Peters, 284; R. I. v. Mass., 12 Peters, 657; Mo. v. Iowa, 7 How., 660; Fla. v. Ga., 17 How., 478; Ala. v. Ga., 23 How., 505; Mo. v. Ky., 11 Wall., 395; Va. v. W. Va., 11 Wall., 39; Nebr. v. Iowa, 143 U. S., 359.)

An investigation of the record in those suits will show that they were not instituted for slight cause, but that the controversies embrace matters which were in good faith in dispute between the parties and were of such dignity and importance as to demand decision by the Supreme Court of the United States. There is nothing in any of these cases to warrant the suggestion that the States acted hastily in bringing the suits. It is submitted that to legislate upon the assumption that one sovereign State of this Union would abuse the jurisdiction of the United States court is entirely out of harmony with the history of this country, the conduct of the States in the past, and is almost insulting to the sovereign dignity of the States.

The proposed legislation limits the suits which can be brought under its provisions to those which would be cognizable in a court of justice "between individuals." That clause was intended to exclude

any chance of involving a political right or claim as the subject matter of a suit. There was inserted in the bill the right of the United States in any such suit to interpose any counterclaim, set-off, equitable or other defense, which could be made by the defendant were such suit between individuals. One of the purposes of that clause was to make it perfectly clear that where the questions involved would be the settling of accounts there could be no doubt of the right of the United States to interpose any matter which might make the settlement complete.

In the case of *Virginia v. West Virginia* (220 U. S., 27) the Supreme Court held that in suits between States—

"The case is to be considered in the untechnical spirit proper for dealing with a quasi-international controversy, remembering that there is no municipal code governing the matter, and that this court may be called on to adjust differences that can not be dealt with by Congress or disposed of by the legislature of either State alone."

And in *Kansas v. Colorado* (206 U. S., 46) the court said: "In a qualified sense and to a limited extent the separate States are sovereign and independent, and the relations between them partake something of the nature of international law."

Inasmuch as the court announced this principle upon the ground that the parties to the suit were sovereigns, the same rule would apply in controversies between the United States and a State.

In the case of *Virginia v. West Virginia* (220 U. S.) it was held that in the exercise of its original jurisdiction the Supreme Court is not bound by any special rule or by any particular form of pleading, but that it could exercise its original jurisdiction in its own way. Suits brought under the proposed act would, of course, be governed by this rule.

Mr. NELSON. Mr. President, I simply desire to say that while I shall not object to the consideration of this bill at this time, I am opposed to the bill, and shall vote against it, and was not in favor of it in the committee.

Mr. BRANDEGEE. Mr. President, with reference to the statement of the Senator from Georgia as to the attitude of the committee, I will state that there was opposition to the bill in the committee, and there was a roll call on it, if I remember correctly. I think it was only reported favorably by a majority of one, but of that I am not quite sure. I voted against it in the committee, and I shall be compelled to vote against it if it comes up for action; but I do not object at all to its present consideration.

Mr. CHILTON. Mr. President, I should like just for a minute to make an explanation. I think the Committee on the Judiciary has put in more time upon this subject than probably upon any other matter that has been before it, certainly since I have had the honor to be a member of that committee. I do not wish to take up the time. Certainly this matter has been considered enough, and I do think the Senate ought to act now, and the bill ought to be passed. As the law now is the Government can sue a State, but a State can not sue the Government. In other words, only a part of the judicial power granted by the Constitution to the Supreme Court can be exercised. The report which I have filed explains the situation; and as we are working now under unanimous consent and the five-minute rule, I desist in the hope that a vote may be taken before the time shall expire.

Mr. STERLING. Mr. President, I do not know that I shall oppose this bill, but in view of the objections that are made I should like to give the subject a little further consideration. I think I shall object to its consideration at this time.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

BILLS PASSED OVER.

The bill (H. R. 54) to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China was announced as next in order.

Mr. CHILTON. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, was announced as next in order.

Mr. CHILTON. Let that bill go over.

Mr. SMOOT. May I ask the Senator to give me an opportunity to explain the bill to him for a moment? Then, if he wants to object—

Mr. CHILTON. No; there is no use of taking further time with the calendar. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4256) to amend section 5146 of the Revised Statutes of the United States, so as to permit national banks located near the boundary line of adjoining States, subject to the discretion of the Comptroller of the Currency, to select only a majority, instead of three-fourths, of their directors from residents of the State in which they are respectively located was announced as next in order.

Mr. CHILTON. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 55) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the

purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order.

Mr. CHILTON. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 5221) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates named:

Cornelius A. Ahearne, late acting assistant surgeon, United States Army, \$12 per month.

Eliza J. Crittenden, widow of Charles Crittenden, late of Company I, Twenty-fifth Regiment Connecticut Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Delia Carey, widow of Michael Carey, late of Company I, Seventh Regiment Connecticut Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Susan Bryant, widow of George Bryant, late of Company D, First Regiment Connecticut Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

Lucy Babcock, widow of Aaron E. Babcock, late of Company B, Sixth Regiment Connecticut Volunteer Infantry \$20 per month in lieu of that she is now receiving.

Walter H. Hutchinson, late first lieutenant Company A, Ninety-ninth Regiment United States Colored Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Joseph W. Crowell, late of Company D, First Battalion Nebraska Veteran Volunteer Cavalry, \$40 per month in lieu of that he is now receiving.

Mary Megrady, former widow of Edward Haney, late of Company B, Fourteenth Regiment Michigan Volunteer Infantry, \$12 per month.

Luther W. Garrett, late of Company D, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

William M. Dern, late of Company A, Forty-sixth Regiment Indiana Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

James Cronan, late of Company C, Forty-seventh Regiment Indiana Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Jeremiah Cramer, late of Company D, One hundred and fifty-second Regiment Indiana Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Francisco Wadsworth, late of Company C, First Regiment Maine Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Sewell W. Hewett, late of Company C, Fourth Regiment Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Mary F. Pulcifer, widow of Alfred H. Pulcifer, late captain Company D, Second Regiment Massachusetts Volunteer Heavy Artillery, \$24 per month in lieu of that she is now receiving.

Nancy D. Morey, widow of Israel C. Morey, late of Company F, Seventh Regiment Minnesota Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Austin L. Myers, helpless and dependent child of Thomas W. Myers, late of Company C, Thirty-ninth Regiment Illinois Volunteer Infantry, \$12 per month.

John M. Jennings, late second lieutenant Company K, Seventy-fourth Regiment Indiana Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

George W. Parsons, late of Company K, One hundred and seventeenth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Richard Simpson, late of Company B, Forty-seventh Regiment Indiana Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Clinton Neligh, late of Company I, Sixty-seventh Regiment Indiana Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Cyrus Stephenson, late of Company I, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

John P. Walker, late of Company H, One hundred and thirtieth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Jesse Miller, late of Company L, Eighth Regiment Indiana Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Mauris Summers, late of Company D, Eighty-second Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

John Withers, late of Company A, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Susan Backus, widow of Jerome Backus, late of Company D, Thirty-fourth Regiment Illinois Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Mary McHenry, widow of Charles H. McHenry, late of Company H, Fifty-first Regiment Illinois Volunteer Infantry, \$12 per month.

Johnathan B. Huffman, late of Company A, Thirty-fourth Regiment Iowa Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Cyrus Bowman, late of Company B, McLaughlin's Squadron Ohio Volunteer Cavalry, and Company C, Fifth Regiment Ohio Volunteer Cavalry, \$50 per month in lieu of that he is now receiving.

William Green, late of U. S. S. *Rattler*, *Great Western*, and *Tyler*, United States Navy, \$50 per month in lieu of that he is now receiving.

Asa Gattton, late of Company A, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Thomas O. Oliver, late unassigned, Twenty-second Regiment Wisconsin Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Henry S. Fargo, late of Company D, Third Regiment, and Company A, Fifth Regiment Michigan Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

James Bosley, late of Company E, Sixty-seventh Regiment Indiana Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

May Vandiver, widow of Benjamin F. Vandiver, late of Company C, Sixty-sixth Regiment, and Company K, Seventy-third Regiment Pennsylvania Volunteer Infantry, \$12 per month.

Luther H. Palmer, late of Company C, Third Regiment California Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

William A. Willard, late of Company H, One hundred and forty-fourth Regiment New York Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

William L. Mayden, late of Company B, Thirteenth Regiment Indiana Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Samuel Graham, late of Company A, Ninetieth Regiment Ohio Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Parthenia Mattingly, widow of David C. Mattingly, alias Cosmas Mattingly, late of Company H, Sixth Regiment Kentucky Volunteer Cavalry, \$12 per month.

William Hall, late of Company C, One hundred and thirty-first Regiment, and Company F, Twenty-ninth Regiment, Illinois Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

John Lynn, late of Company A, Forty-eighth Regiment Kentucky Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

John Penrod, late of Companies C and D, Twentieth Regiment Indiana Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Walter S. Gibson, late of Company D, Fortieth Regiment Indiana Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Adam Pulley, late of Company F, Thirty-fourth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

George C. Warrick, late of Company C, Eighty-sixth Regiment Indiana Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Mary E. Corson, widow of John W. Corson, late of Company F, Twenty-fifth Regiment New Jersey Volunteer Infantry, and former widow of Alexander McCormick, late of U. S. S. *Shenandoah*, United States Navy, \$12 per month.

Dolores Lucero de Salaz, widow of Vicente Salaz, late of Company G, First Regiment New Mexico Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

James McKinney, late of Company A, First Regiment Michigan Volunteer Engineers and Mechanics, \$40 per month in lieu of that he is now receiving.

Thomas F. Rowley, late of Company A, Twelfth Regiment Massachusetts Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Francis M. Kenerson, late of Company F, Seventh Regiment New Hampshire Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Nancy L. King, widow of John H. King, late of Company C, Ninety-third Regiment Indiana Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Samuel A. Hogue, late of Company G, Fortieth Regiment Illinois Volunteer Infantry, and captain Company H, Thirteenth Regiment Illinois Volunteer Cavalry, \$50 per month in lieu of that he is now receiving.

Isaac F. Green, late of Company A, Osage County Regiment Missouri Home Guards, \$27 per month in lieu of that he is now receiving.

William Etheredg, late of Company I, Third Regiment Iowa Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

William Roberts, late of Company H, Fifty-first Regiment Indiana Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Lydia A. Heatherly, widow of Elam T. Heatherly, late of Company E, Eleventh Regiment West Virginia Volunteer Infantry, \$20 per month.

Charles W. Thornton, late of Company B, Eighth Regiment New York Volunteer Heavy Artillery, \$30 per month in lieu of that he is now receiving.

Charles E. Abbott, late of Company B, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

William B. Dickey, late captain and assistant quartermaster, United States Volunteers, \$36 per month in lieu of that he is now receiving.

James A. Gould, late of Company E, Sixteenth Regiment Vermont Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Edwin Bates, late of Company I, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Alonzo Newell, late of Troop F, Sixth Regiment United States Cavalry, \$40 per month in lieu of that he is now receiving.

Joseph N. Foster, late of Companies B and D, Ninth Regiment New York Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

Gilman P. Lombard, late of Company C, Twenty-first Regiment Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Arthur G. Sawyer, late of Company I, First Regiment Maine Volunteer Heavy Artillery, \$50 per month in lieu of that he is now receiving.

George H. Stillman, late of Company G, One hundred and twenty-third Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

James S. Anderson, late of Company M, Fifth Regiment Illinois Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

Mary E. Lindsay, former widow of Henry Schively, late of Company G, Sixteenth Regiment Pennsylvania Volunteer Cavalry, \$12 per month.

Ella C. Moody, widow of Joel Moody, late captain Company II, Second Regiment Indian Home Guards, and former widow of John M. Porter, late of Company H, Twenty-ninth Regiment Wisconsin Volunteer Infantry, \$20 per month.

Lars Isaacson, late of Company A, Second Battalion, Sixteenth Regiment United States Infantry, and Company K, Forty-fourth Regiment Iowa Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

John D. Vance, late of Company D, and sergeant major, Twenty-fourth Regiment Ohio Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Stephen M. Teachout, late of Company F, First Regiment Michigan Volunteer Light Artillery, \$36 per month in lieu of that he is now receiving.

Adonirum C. Harper, late of Company A, One hundred and thirty-second Regiment Illinois Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Parley B. West, late of Company B, Sixty-fifth Regiment Illinois Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Samuel Campman, late of Company B, One hundred and eighth Regiment Illinois Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Shirley M. Nichols, widow of Edwin C. Nichols, late captain of Company G, Eighth Regiment New Jersey Volunteer Infantry, and first lieutenant of Company F, Twenty-fourth Regiment Veteran Reserve Corps, \$24 per month in lieu of that she is now receiving.

Frank Seavey, late of Company A, Twenty-seventh Regiment Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Kate A. Brown, widow of Thomas G. Brown, late major, Sixty-fifth Regiment Indiana Volunteer Infantry, \$20 per month.

Louise M. Wilson, widow of William M. Wilson, late of Company C, Third Regiment Rhode Island Volunteer Cavalry, and former widow of Landrie M. Holcomb, late of Company D, Fourteenth Regiment Connecticut Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Lloyd Roberts, late of U. S. S. *Sabine, Ohio*, and *New Hampshire*, United States Navy, \$50 per month in lieu of that he is now receiving.

Marion K. P. Sellmer, widow of Charles Sellmer, late captain of Company B, Eleventh Regiment Maine Volunteer Infantry, \$30 per month in lieu of that she is now receiving.

Samuel Mercer, late of Company I, Second Regiment Maine Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Harriet A. Mills, dependent mother of Charles B. Mills, late of Company B, Thirteenth Regiment Massachusetts Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Emily Thompson, widow of Jonah Thompson, late of Company I, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and former widow of Henry H. Brown, late of Company G, One hundred and eighteenth Regiment Indiana Volunteer Infantry, \$12 per month.

Cora E. Gossin, widow of Andrew J. Gossin, late of Company A, Thirteenth Regiment United States Infantry, \$12 per month.

George W. Fernald, late of Company C, Eighty-second Regiment New York Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Rollin O. Joslyn, late of Company I, Fifteenth Regiment Vermont Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Hester Ann Steel, widow of James M. Steel, late of Company A, Eighty-seventh Regiment Indiana Volunteer Infantry, and Company A, First Regiment United States Veteran Volunteer Engineers, \$20 per month in lieu of that she is now receiving.

Samuella Goodrich, widow of John T. Goodrich, late of Company F, Twenty-third Regiment Indiana Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Ruth J. McCann, widow of Thomas K. McCann, late captain and assistant quartermaster, United States Volunteers, \$24 per month in lieu of that she is now receiving.

Morris P. Gossard, late of Company C, One hundred and forty-ninth Regiment Ohio Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

James H. Isbell, late of Company H, Eighteenth Regiment Iowa Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Henry D. Lockwood, late of Company E, Twenty-third Regiment Wisconsin Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Amos L. Griffith, late of Company F, Fifth Regiment Tennessee Volunteer Cavalry, \$50 per month in lieu of that he is now receiving.

Elvira H. Jackson, widow of Isaac Jackson, late unassigned, Thirty-third Regiment Indiana Volunteer Infantry, and former widow of Daniel Miller, late of Company B, Third Regiment Michigan Volunteer Cavalry, \$12 per month.

Henry M. Chase, late of Company A, Coast Guards, Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Jeremiah Lloyd, late of Company C, One hundred and eighteenth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Lidia M. Gosnel, widow of Simeon Gosnel, late of Company E, Second Regiment North Carolina Volunteer Mounted Infantry, \$20 per month in lieu of that she is now receiving.

Janet Lamoreux, widow of Pardon B. Lamoreux, late second lieutenant Company K, First Regiment Wisconsin Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

John Cook, jr., late of Company H, One hundredth Regiment, and Company A, One hundred and eighty-seventh Regiment, New York Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Mary Thibodo, widow of Stephen Thibodo, late of Troop G, United States Mounted Rifles, War with Mexico, and Company B, Twelfth Regiment Iowa Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Henrietta Thayer, former widow of Septimus Ireland, late of Company K, Thirty-third Regiment Wisconsin Volunteer Infantry, \$12 per month.

Emma E. Keyes, widow of William T. Keyes, late of Company C, Tenth Regiment, and Company D, Twenty-ninth Regiment, Maine Volunteer Infantry, \$12 per month.

Virginia Bailey, widow of Mark Bailey, late of Company D, Ninth Regiment United States Colored Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Lydia C. Locke, widow of Charles E. Locke, late of Company I, Eighth Regiment, and Company B, Sixty-seventh Regiment, Ohio Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD B. CRAIG.

The joint resolution (H. J. Res. 87) authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue of the collection district of Tennessee, in the sum of \$2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue for the collection district of Tennessee, in the sum of \$2,034.89, being the representative value of certain internal-revenue documentary stamps which, on the night of June 23, 1915, were, by an act of burglary, taken from the safe in which the same had been properly deposited while in the custody and care of said collector.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SMITH of Georgia. Mr. President, it is nearly 2 o'clock. At that time we must take up the unfinished business. I am unwilling to pass from the call of the calendar without expressing an earnest dissent from the action of the Senate taking up the calendar under Rule VIII and limiting by motion action upon bills on the calendar to those bills to the consideration of which no objection is made.

Of course, the calendar can be called under Rule VIII, and by unanimous consent the consideration may be limited to bills to which there is no objection. The rule provides that at the conclusion of the morning business, unless otherwise ordered by the Senate, the Senate shall consider the calendar of bills until 2 o'clock, and that the consideration shall be of bills and resolutions not objected to, and "the objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration."

The right by motion to continue the consideration of a bill objected to is expressly given in this rule of the Senate.

The right at any time under the rules is given at the conclusion of the morning business to move to proceed to the consideration of any measure ripe for consideration in the Senate, and this right can not be withdrawn over objection; it can only be withdrawn temporarily through a unanimous consent.

Is it not therefore clear that the rules of the Senate forbid the limitation of consideration of bills on the calendar to bills unobjected to, except where by unanimous consent the limitation is made?

Mr. SMOOT. Of course I have a precedent to which I could cite the Senate, but the Senator says he does not desire to discuss it, and I will not cite it.

Mr. GALLINGER. The Senator from Utah is right in saying that there is a precedent, but it is a very bad precedent.

Mr. SMOOT. I was going to refer to it.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 7617.

Mr. WORKS obtained the floor.

Mr. SMOOT. Will the Senator from California yield to me for just a moment?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Utah?

Mr. WORKS. I yield.

Mr. SMOOT. I was going to ask the Senator having the bill in charge if he would not agree to lay aside the unfinished business for an hour in order to finish the calendar? I do not believe it would take over an hour, and then to-morrow, immediately after the routine morning business, he can call up the bill he has in charge for the balance of the day.

Mr. BANKHEAD. The Senator from Utah can call up the calendar to-morrow morning at the close of the routine business.

Mr. SMOOT. It would be very much easier to take up the unfinished business instead of the calendar at that time.

Mr. BANKHEAD. I hope the Senator from Utah will allow us to proceed with the bill. I do not feel that I can yield under the circumstances, and I must insist upon proceeding with it.

Mr. SMOOT. I regret that the Senator so decides.

GOOD ROADS.

The Senate as in Committee of the Whole resumed the consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

The PRESIDING OFFICER. The Senator from California [Mr. WORKS] is entitled to the floor.

Mr. THOMAS. Will the Senator yield to me for a moment?

Mr. WORKS. I yield to the Senator from Colorado.

Mr. THOMAS. I had intended to speak upon the pending bill to-day, but I am not in a physical condition to do so. I wish to give notice that to-morrow, after the remarks of the Senator from Texas [Mr. SHEPPARD], I shall address the Senate upon the pending bill.

Mr. WORKS addressed the Senate. After having spoken for about an hour and a half, he said:

Mr. President, I expected to complete what I had to say this afternoon, but the interruptions that have occurred have taken much of the time, and I am feeling somewhat weary, so I will ask the Senate to allow me to complete these remarks to-morrow or at some later time. I desire next to go into the question of the legality of this effort to appropriate the public funds. I presume there are other Senators who are ready to go on, so that no time will be lost. For that reason I will suspend here and give notice that I will proceed with what I have to say to-morrow.

[Mr. WORKS' speech is printed in the Senate proceedings of the following day, April 21, 1916.]

The PRESIDING OFFICER. The question is upon the substitute reported by the committee.

Mr. SMOOT. I understand that the Senator from Colorado [Mr. SHAFROTH] desires to speak next. He is not in the Chamber. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones	O'Gorman	Smoot
Bankhead	Kenyon	Overman	Sterling
Borah	Kern	Page	Stone
Brady	La Follette	Pittman	Swanson
Burleigh	Lane	Polindexter	Taggart
Chamberlain	Lee, Md.	Pomerene	Thompson
Chilton	Lewis	Ransdell	Tillman
Cummins	Lodge	Reed	Underwood
Curtis	McCumber	Robinson	Walsh
Gallinger	Martin, Va.	Shafroth	Warren
Gronna	Martine, N. J.	Sheppard	Williams
Hollis	Myers	Simmons	Works
Husting	Nelson	Smith, Ariz.	
Johnson, Me.	Newlands	Smith, Ga.	
Johnson, S. Dak.	Norris	Smith, Mich.	

Mr. CHILTON. My colleague [Mr. GOFF] is absent on account of illness. I will let this announcement stand for the day.

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum is present.

Mr. SHAFROTH. Mr. President, I have offered an amendment to the bill, which I should like to present to the Senate at this time. The bill in the first part provides that the Nation shall pay half and that the States shall pay the other half for the construction of these roads. I have drawn a provision which fits into the bill very well. It is after the word "roads," on page 6, line 22, to insert these words:

By the payment of one-fourth of the total cost of any such road, in the manner and upon the condition hereinafter provided, whenever individuals, the county, and State in such such road is situate shall each have contributed an amount equal to one-fourth of the estimated cost thereof.

Mr. President, the object of this amendment is, first, to get twice as much road built with the money that is contributed by the National Government. Instead of the Government paying one-half it is to pay one-fourth, and the balance of the cost is made up by contributions of the State, the county, and individuals.

The second object of the amendment is to provide that individuals shall subscribe, and therefore have a personal interest in the construction of the road, which will prevent unworthy enterprises from being undertaken. When it comes to the

pocketbook men will not agree to pay their own money to construct a road unless it is necessary.

So those are the two objects which it seems to me this amendment will serve in the bill.

Now, as to the first one, the one-fourth and the one-half contribution, I want to say that the tables that are shown in the report and the tables that are found in the World Almanac as to the amount of money that is contributed for road building are perfectly astonishing. Individuals, counties, and States now contribute enormous sums of money to road building. The report estimates that \$300,000,000 last year was contributed for these purposes. The World Almanac shows in detail that there was contributed in the year 1914, \$249,055,068 by States, counties, and individuals. The bill appropriates simply \$5,000,000 for the first year, \$10,000,000 for the second year, \$15,000,000 for the third year, \$20,000,000 for the fourth year, and \$25,000,000 for the fifth year.

Mr. GALLINGER. Mr. President—

Mr. SHAFROTH. I yield to the Senator.

Mr. GALLINGER. Has the Senator the aggregate amount contributed by individuals?

Mr. SHAFROTH. No; the total is not divided. I will state to the Senator that the experience we had in the State of Colorado—

Mr. GALLINGER. Before the Senator proceeds to give that information I wish to say I have had a little experience in trying to raise money for various public purposes, and my impression is that the amount which will be contributed by individuals will be negligible.

Mr. SHAFROTH. The experience in Colorado is directly contrary to that.

Mr. GALLINGER. I am glad to hear it.

Mr. SHAFROTH. It is true that individuals will not subscribe where they have to pay for all the road. That is true; but where they get a large contribution from the State, a large contribution from the county, they readily respond.

This is the experience which I had with the legislature of our State: It passed laws appropriating certain amounts of money in large sums for the construction of roads between certain points on condition that the counties should contribute a like amount and the individuals benefited would pay a like amount. For instance, there is one road I have in mind to which the State contributed \$5,000. The county immediately contributed \$5,000. The individuals found that \$15,000 would not build the road and so they contributed \$10,000, and did it readily.

Mr. GALLINGER. Will the Senator permit me?

Mr. SHAFROTH. I yield to the Senator.

Mr. GALLINGER. Were not those instances where the road was built to some resort or to some club or to some golf links where people of means were willing to put up some money to make it a little pleasanter to get there?

Mr. SHAFROTH. No, sir; it was built between two towns. The money that is to be subscribed by individuals need not be along the line of the road absolutely. It can be subscribed by citizens in each town to some extent, but the people who raise the money will do so all along the line and in towns also.

Mr. President, when you go to a farmer in the country or to an individual in a city and say, "We want you to contribute to build a road between certain points," he will ask, "What help do we get?" If there is no help, they do not do it. The result is that the road is not built. But as quick as you say that the State will help, that the Nation will help, that the county will help, then you will find that people will be eager to get those roads and eager to contribute their share to build them. It is on that account that I believe if you make it one-fourth that the Nation is to contribute you will get many times more roads where the people are willing to have them constructed under it, and in the end you are bound to get twice the length of road by reason of this provision.

Mr. President, I wish to call attention to the enormous amount spent upon roads in the various States. There are only two States in the Union that have their roads surfaced to the extent of 50 per cent. The State of Massachusetts has 51 per cent; the State of Rhode Island has a little over 50 per cent. The Western States have a very small percentage of their roads surfaced. But, Mr. President, it is marvelous how much has been contributed by individuals, counties, and States in the construction of roads. Take, for instance, Arizona. She contributed last year \$1,000,733 for the construction of roads.

Mr. SMITH of Arizona. If the Senator will permit me, and the Government owning about 50 per cent in permanent reservations from which the State gets nothing.

Mr. SHAFROTH. I fully concur in the statement that there is a great outrage done to Arizona by reason of these permanent

reservations upon which the State can not raise a dollar by taxation.

Mr. SMOOT. Mr. President—

Mr. SHAFROTH. I yield to the Senator from Utah.

Mr. SMOOT. Does not the Senator's amendment relieve the Government from paying for the roads proposed in the bill from one-half to one-quarter?

Mr. SHAFROTH. No; the amount appropriated is \$5,000,000. Now, the question is how much road building can we get for that \$5,000,000? If you make the United States Government put up half, you will get only half the quantity of roads that you would get by making it a quarter. I should like to make it less, because I believe you could get that much more road building from this fund, but inasmuch as there are only about four organizations that could contribute, namely, the Government itself, the State, the county, and then the individuals, or cities on the road, it seems to me that we are getting as much as we can out of this bill in the shape of road building. Does the Senator from Utah desire to ask any further question?

Mr. SMOOT. I have not the bill before me, but on reading the amendment it looks to me as though the effect of the amendment will be just the opposite.

Mr. SHAFROTH. Oh, no; if you turn to the bill which I have here you can readily see that it is immaterial what proportion comes in. Section 3 provides:

That for the purpose of carrying out the provisions of this act there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1917, the sum of \$5,000,000—

And so forth. That is the amount. Now, how far can we make that appropriation go? If you are going to make the General Government pay one-half of the cost of the road, then you can see you will have one-half as much of the road constructed, whereas if you make the division one-fourth you will have double the amount of road building.

Mr. LODGE. Mr. President—

Mr. SHAFROTH. I yield to the Senator.

Mr. LODGE. The Senator was mentioning the percentage of State highway mileage. Did he mention Massachusetts?

Mr. SHAFROTH. Yes, sir; I did.

Mr. LODGE. It is 51 per cent.

Mr. SHAFROTH. Yes, sir. I have before me the amount of funds contributed by the States and by local contributions of all kinds to road building. Massachusetts spent \$8,020,609 on roads in 1914. She has 8,908 miles of road surfaced. She has 17,272 miles of public roads, improved and unimproved, which makes 51.7 per cent of the roads of that State that are surfaced and in good condition.

Mr. LODGE. That is the amount of State highway mileage, what are called good roads.

Mr. SHAFROTH. Yes, sir.

Mr. WARREN. Mr. President—

Mr. SHAFROTH. I yield to the Senator.

Mr. WARREN. Does not the Senator believe that he has afforded the Government too small a proportion? My idea is that many States would not accept the red tape and trouble and expense, and so forth, connected with having a partnership with the United States, where the United States paid only a quarter.

Mr. SHAFROTH. I do not think so. I think the result of this will be that you will get double the road building.

Mr. POMERENE. Mr. President—

Mr. SHAFROTH. Let me answer the suggestion of the Senator from Wyoming.

Mr. WARREN. If the Senator will allow me further, I am of the opinion that the Senator is going to defeat his own object in placing the percentages along the line which he has indicated.

Mr. SHAFROTH. No.

Mr. WARREN. I do not think the State of Colorado, and I am taking the States as they present themselves—

Mr. SHAFROTH. I can take any State here and demonstrate that the State is now putting up twenty times as much money as it will get from the Federal Government. Surely, if in the year 1914 it put up twenty times as much, there would be no trouble in putting up the balance of this money in the way of getting roads built partially by the Federal Government. I yield to the Senator from Ohio.

Mr. POMERENE. I desire to say, apropos of what the Senator from Wyoming has stated that nearly all the States are doing more or less road building. I can not conceive that it is possible that any State would ever refuse to aid the contribution from the Federal Government.

Mr. WARREN. In contribution, but what about the things that go with it by the terms of the bill, in the matter of management and consultation and delay, and so forth?

Mr. POMERENE. It requires no more expense to manage the building of a road which is built totally by the State authorities than it does when it is built in partnership with the Federal Government.

Mr. SHAFROTH. I want to call the attention of the Senator from Ohio to the fact that Ohio is a good illustration. Ohio built, in the year 1914, \$11,261,880 worth of roads. The portion which would come to the State of Ohio by reason of this bill is inconsiderable compared to that sum. The amount which it would receive the first year under this bill would be simply \$118,000. Is it possible when it gets \$118,000 that it would not put up the other three-fourths in road building, and if it put up three-fourths would not the amount of construction be twice as much as if it put up only half? Certainly it would.

Mr. BANKHEAD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Alabama?

Mr. SMITH of Arizona. Then why not make it one-twentieth?

Mr. SHAFROTH. The trouble is when you make it one-twentieth the amount is so small you get from the Federal Government that it would be subject to the objection which the Senator from Wyoming [Mr. WARREN] just made, namely, the quantity of red tape and things of that kind would make obstacles so great as to make it undesirable to take the trouble.

Mr. BANKHEAD and Mr. POMERENE addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Colorado yield?

Mr. SHAFROTH. I yield to the Senator from Alabama.

Mr. BANKHEAD. I simply wanted to ask the Senator from Colorado what would become of his amendment with the argument he makes in case the individuals he talks about as being so generous refuse to put up their share?

Mr. SHAFROTH. We have not had that condition.

Mr. BANKHEAD. I think we have it everywhere.

Mr. SHAFROTH. No; I do not think so, but I am perfectly willing in that contingency to say that these three—State, county, and individuals—shall do it. Now, what proportion the State wants to undertake or what proportion the county wants to take in that event, it seems to me, is immaterial to us, perhaps, although I think there ought to be an element here of the individual subscribing, because it is going to be a check upon the pork-barrel construction. Whenever you have individuals interested, then unquestionably you will get constructed a road that ought to be built. But if you are going to have simply the States contribute with the National Government it will depend upon who has got the best pull in order to get a road built, and roads may be built that are unnecessary by reason of that. The element of individual subscription is most valuable in getting a good road. Now I yield to the Senator from Ohio.

Mr. POMERENE. The Senator has answered the question which I intended to ask as to whether he would have these subscriptions voluntary or compulsory under the law.

Mr. SHAFROTH. Oh, voluntary.

Mr. POMERENE. In my own State the plan we have adopted, when it comes to the permanent construction of roadways, is that the State contributes 50 per cent, the county 25 per cent, the township 15 per cent, and the other 10 per cent is assessed against the property which may be benefited.

Mr. SHAFROTH. In our part of the country there has been no occasion for assessment against property. If you make the proportion small which the individuals must contribute, it will be that much easier for the individuals. I am not wedded to these particular proportions, although I do believe there ought to be an element of personal interest in individuals in order to get roads that are worth being constructed.

Mr. SMOOT. Mr. President—

Mr. SHAFROTH. I yield to the Senator from Utah.

Mr. SMOOT. I thought the Senator from Colorado agreed to the statement made by the Senator from Ohio [Mr. POMERENE] that the roads could be built under the supervision of the Government as cheaply as they could under the supervision of the States. If that ever happens it will be the reversal of all the work that has been undertaken by our Government in the States.

Mr. POMERENE. Mr. President—

Mr. SMOOT. I want to say to the Senator that I do not believe the roads can be built under the supervision of the Government in the Western States as cheaply as they can be built under the supervision of the States.

Mr. SHAFROTH. I agree with you.

Mr. SMOOT. It seems to me that the provision of the bill is very much better than the amendment offered by the Senator from Colorado for this reason.

Mr. SHAFROTH. But that does not affect my amendment. It does not affect what you are going to do. I adopt the other provision of the bill.

Mr. SMOOT. I am perfectly aware of that; but I was going to tell the Senator why I think the half is better than the quarter plan. The State receives just so much money out of the proposed appropriation, and it takes just so much money to build a mile of road. If the Government of the United States pays the State of Ohio, for instance, \$180,000 out of the first year's appropriation, they might just as well pay half as one-quarter, and complete the road as far as it will go upon that basis and then there would only be the control of the Government over that length of road. But if the State wants to extend its road building beyond what the Government appropriation will build, and can raise money in any way for the extension, as the State of Ohio has done in the past, the Government paying one-half the cost would not prevent it from doing so and the road so extended; the State would have control of the road and would not be under the Government supervision.

Mr. POMERENE. I think I failed to make myself clear or the Senator from Utah did not understand me. I do not mean to say that these roads are to be built under the control of the Federal Government. I think the State authorities should have general supervision.

Mr. SMOOT. But the bill does not provide that.

Mr. POMERENE. It does in substance. In any event, my thought is that these funds are only provided where the plans may be subject to the approval of the Government here.

Mr. SMOOT. Certainly.

Mr. POMERENE. But that the general work, the actual construction, shall be under the State or county authorities, as the case may be.

Mr. SHAFROTH. I think that is the provision of the bill. The work is to be done by the State under the supervision of the State. The general plan is to be approved by the Secretary of Agriculture.

Mr. SMOOT. The bill provides—

That the Secretary of Agriculture is authorized to cooperate with the States, through their respective State highway departments, in the construction of rural post roads.

Mr. SHAFROTH. That is true, but the actual work is to be done under the supervision of the State.

Now, Mr. President, I want to answer the objection just made by the Senator from Utah with respect to this one-half and one-fourth contribution. He says let the National Government contribute half on the highway construction and then let the individual, the county, or the State do the balance of the road. Suppose you have enough money by the National Government contribution to construct 10 miles of road and suppose the others contribute one-half. On that basis only 10 miles of road are constructed. When only one-fourth of the cost is contributed by the Nation out of its appropriation to that State it will construct 20 miles. Now that is a great advantage to the people of the State along the 20 miles. If the National Government pays one-half, then those persons who are living along that 10 miles of road will only have to put up a small part for their own private use and the people on the other 10 miles will have to pay double in order to get a road along their land.

Here is a proposition that by the payment of the National Government's one-half, 10 miles of road can be constructed. If that is true, the State and the counties and the people contribute only one-half of the amount. Suppose the Nation contributes one-fourth, then 20 miles will be constructed. If 10 miles only are constructed, as the Senator from Utah suggests, then the other 10 miles can be built by private subscription, but they will have to build it at their own expense, and they will not do it at all. Now, I yield to the Senator from South Dakota.

Mr. STERLING. Mr. President, I have been in vain endeavoring to understand the Senator's logic. He has asserted again and again that if the General Government contributes but one-fourth, twice as many miles will be constructed and paid for.

Mr. SHAFROTH. The reason is simply this, and it is very plain, it seems to me. Where the Nation contributes one-fourth and you require somebody else to contribute three-fourths, you will build twice as much road. If you pay one-fourth of it out of the National Treasury and compel the other people to contribute three-fourths, you can readily see that under this bill there will be twice as much constructed.

Mr. NORRIS. Mr. President—

Mr. SHAFROTH. I yield to the Senator from Nebraska.

Mr. NORRIS. The Senator means, as I understand him, that for the same amount of Federal cash you get twice as much road in one instance as you will in the other.

Mr. SHAFROTH. Certainly; that is my idea.

Mr. POMERENE. Mr. President, if I may—

Mr. SHAFROTH. I yield to the Senator from Ohio.

Mr. POMERENE. The question arose a moment ago as to whether this construction should be done by the State or the Federal authority. Let me call the attention of the Senator from Utah to that portion of section 6, on page 12, beginning with line 15, which reads:

The construction work and labor in each State shall be done in accordance with its laws, and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations made pursuant to this act.

Mr. SMOOT. I think that is right, and that is as I understand it; but all the work will be subject to the inspection and approval of the Secretary of Agriculture.

Mr. SMITH of Arizona. Mr. President—

Mr. SHAFROTH. I yield to the Senator from Arizona.

Mr. SMITH of Arizona. I should like to ask the Senator from Colorado what difference it makes if we are going to build a road, say, from Tucson to Nogales, in Arizona? It is the scheme to build a road between two towns. They estimate immediately what the Government will give. We know before that road starts that we will have to give all that is necessary to build it except what the Government itself contributes. Then, in the scheme of every road you start it is absolutely immaterial. The only materiality is as to how much they get from the Government. So the mere proportion has nothing whatever to do with the amount of road that the State will build.

Mr. SHAFROTH. In answer to the Senator's inquiry I will state that, in my judgment, directly the contrary takes place. It seems to me to be plain that if 10 miles of road can be constructed by the Government under this bill upon a contribution of one-half, if it requires the people and the county and the State to contribute three-fourths and the National Government one-fourth, the result will be that they will get 20 miles of road constructed under this bill.

Mr. SMITH of Arizona. I fail to put my question fully. There are between a number of these towns nothing but Government reservations lying, and there is nobody living on them, and no one can live on them.

Mr. SHAFROTH. You will find that the condition will be that Nogales will want to contribute something under that. You will find that they will make a contribution without any trouble or without any difficulty.

Mr. NORRIS. Mr. President—

Mr. SHAFROTH. I yield to the Senator.

Mr. NORRIS. Referring to the particular question put by the Senator from Arizona, would not this be the result: If we constructed roads hereafter from one town to the other and the Government contributed one-half, there would be a part of the people, if there was a law similar to the one in Ohio, who would have to make up the other half?

Mr. SMITH of Arizona. There are no people there to pay.

Mr. NORRIS. The land is there; there is something to put the road on.

Mr. SMITH of Arizona. The Government owns the land.

Mr. NORRIS. Then, I suppose there will be an amendment that the Government will have to contribute something, and I am not sure but that it ought, in States where the Government owns the land. If we had a law similar to the Ohio law, that is what would take place. The result would be that the owners of land on that portion of a particular road would have more to pay than the owners of land on other portions that the Government had to construct.

Mr. SHAFROTH. It would be unfair as to them.

Mr. NORRIS. Exactly; it would be unfair. So, when the Senator spreads the Government contribution out over the entire length of the road, he makes everybody who has to contribute something equal in his contribution.

Mr. SHAFROTH. In some years past the only contributions that were made in the construction of roads were by individuals, by working upon the road. That was a great hardship upon the individuals. It is true it was mostly in labor, but, nevertheless, inasmuch as other people use the roads, it was proper and right that other people, living in distant parts even, should pay certain parts for the construction of the road. Then there was a township element that entered into the contribution. This whole country has been developed very largely by the contribution of individuals and counties. It has been only in recent years that at least any large number of States have been contributing anything to the construction of roads. This has grown so

that the States are contributing large amounts. In my State a constitutional amendment was adopted which provides for the levy of a certain number of mills upon the taxable property of the State, which brings a return of \$600,000 each year. When you take into consideration what else is paid there, you will find that the State of Colorado spent in the year 1914 on roads \$2,601,449. The amount which Colorado would get under this bill during the first year would be \$86,000. What proportion is \$86,000 to \$2,601,449? Is it possible that if the contributions were divided into fourths, so that the National Government would contribute one-fourth only, that the other three-fourths would not be raised by those counties and individuals and States, when right now they are contributing twenty times as much as this bill would give to the States?

It seems to me there is no other difficulty. You will find that citizens have objected to putting money into roads because they had to do it all. That is the reason, and whenever they get an opportunity to receive some aid or some assistance in the way of a State or county contribution they have readily cooperated with the county. When you add one-fourth by the National Government you will find the success of this bill will be largely increased in enlarging and doubling the amount of road building there will be under this bill for the same amount of money that is contained in the appropriation made in the bill.

Mr. WORKS. I should like to ask the Senator from Colorado if Colorado is raising the amount of money he mentions, which she is able to do, why should the Government contribute at all to build her roads?

Mr. SHAFROTH. They are contributing a considerable amount of money it is true, and by the people taxing themselves for it. It is quite a burden, and I believe the Federal Government ought to assist. I think it is of benefit to the Federal Government. I think from the standpoint of post roads and of military roads and a number of standpoints, and for the interest of interstate commerce, it is a matter of concern in which the National Government ought to contribute. These States, of course, pay these amounts in preference to not having the roads. It simply shows their interest in the roads.

Now, Mr. President, I want to call attention to the fact that even in a rural district where you have a road that is to be constructed you will find that if the individuals have got to do it alone they will say no. Some enterprising individual may say "I will put the road through for a distance of 5 miles," and sometimes they do.

But, Mr. President, whenever you get cooperation, whenever you can make it so that a good road will pass a man's farm and he will pay but one-fourth of the amount for its construction, you will find that he will readily cooperate and join with the Government, and that you will have a good deal more road building than if you had to rely solely upon the individual. That being the case, it seems to me that to provide that the proportion which the United States Government shall pay shall be one-fourth instead of one-half is vastly to the advantage of good road building.

Mr. President, the logic of the position of the Senator from Utah [Mr. Smoot] would be good if it were to the effect that you would get but half of the amount appropriated. That is true. If, for instance, we should say that we would appropriate only for two roads then, whether 50 per cent or 25 per cent would be paid for the roads, if the amount were limited by the division of one-fourth or one-half, the Senator's logic would be good; but here is the exact amount appropriated—\$5,000,000 the first year. What is that? It is a mere bagatelle compared to what the State, by reason of the contributions by the State government, by the county governments, and by individuals—

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. SHAFROTH. I yield to the Senator.

Mr. SMOOT. Why does not the Senator from Colorado make the amount to be contributed by the Government one-twelfth or one-twentieth? I will say that the amount which will go from the Government to the States under this bill will not amount to more than one-twentieth of the amount which the States expend in road building.

Mr. SHAFROTH. Yes; that is so.

Mr. SMOOT. Then why not make the amount one-twentieth? If the Senator wants to cover more miles of road by his proposed amendment, that is the way to do it. Let us extend it as far as possible. I believe if the Senator will look at the figures showing the amount of money expended by the States in road building, he will ascertain that nearly every State in the Union has spent twenty times more than the amount which the bill, in case it becomes a law, provides shall go to the States.

Mr. SHAFROTH. That is true; but I want to answer that argument by a statement which the Senator from Utah made a little while ago. He said the reason the States will not contribute in this case and will not come into the plan is because of the red tape necessary in order to get money from the National Government; that for that reason they would not do it; and if you make the proportion too small, there is not any doubt but what that would be the case.

Mr. President, you can readily see what would be the result. Suppose a man owned a farm lying along a road which he desired improved, or on which rural postal service was desired, and the question arose as to whether or not the Government would contribute one-twentieth, he would say "that does not amount to much, and I will not go into it"; but if you say that the Government will pay one-fourth, that the State government will contribute one-fourth, and that the county government will contribute one-fourth, he would say "I will get a good road which passes my land for one-fourth of its cost; that will improve my land." It would then be to his interest financially to subscribe to the plan.

Mr. TAGGART. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. SHAFROTH. I yield.

Mr. TAGGART. Under the Senator's amendment, as I understand, the State, the county, and individuals are respectively to pay a quarter of the expense of the construction of roads and the Federal Government the other quarter?

Mr. SHAFROTH. Yes, sir.

Mr. TAGGART. In some of the States which do not have highway commissions they have no right, as I understand, to levy a State road tax. In order to meet the requirements of the Senator's amendment, would it not be necessary that the constitutions of such States should be changed in order that the States might impose a State road tax? In our own State of Indiana we have a township tax and a county tax, but we have no right to impose a road tax on account of not having a State highway commission. So that the Senator's amendment for the building of roads there would not be applicable, so far as the State part of it is concerned.

The question I want to put to the Senator is whether, in case a State was not able to levy such a tax or had to change its constitution so as to get its quarter, and the individual should not pay his quarter, what would become of the Senator's amendment so far as the building of roads is concerned?

Mr. SHAFROTH. This bill contemplates that there will have to be legislation on the part of the State, and the State doubtless can arrange that. In the State of Colorado we have a constitutional amendment which permits a levy of a certain number of mills upon all taxable property of the State. That, however, was not true up to within six years ago. Until that time we had to rely upon general appropriations, just as appropriations are made by Congress here with respect to general matters. The legislature would appropriate so much for a certain road, provided that the county and individuals would subscribe a certain amount.

Mr. TAGGART. But suppose the States which have not at present the power to make the levy contemplated by the Senator's amendment should not pass the appropriate legislation, what would be the result?

Mr. SHAFROTH. Then, in such an event, they will not get the road; that is all. That is the very test. The test is as to whether the road is a good road, whether it is essential that it should be constructed; and you will find that there are enough people who want the advantage of securing the Government fund, who will be glad to get the benefit of it, and will subscribe for the road if it is needed. It is true that heretofore it has been in the richer communities of our State, where the people have been willing to subscribe to road building and where the counties and the States have been willing to subscribe.

Mr. SMITH of Arizona. Mr. President, I appreciate the patience of the Senator from Colorado in yielding to interruptions, but right at this point I should like to interrupt him.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Arizona?

Mr. SHAFROTH. I am very glad to yield to the Senator.

Mr. SMITH of Arizona. Mr. President, I desire to state a condition which I know applies in many of the Western States where there are but few individuals who could contribute. If they were required to contribute one-fourth, as the Senator's amendment provides, it would impose a burden upon the people which they are unable to bear by individual subscription. That is the condition in my State to-day.

Further, is it thought that the Government under any sort of supervision will permit any county or any State to receive a dollar of the Federal contribution for road construction unless the program for the building of the road, including its location and the points between which it is to be built, is determined and fixed by the Government? Would the amendment be of any benefit under those conditions? While it might help the State of Colorado, it would certainly be injurious to other States. Will it help a particle that Government assistance is based on mileage? The Government will not spend the money to build a road starting from a town and stopping perhaps so abruptly that it will be absolutely worthless.

The only question of any importance to us, so far as our road building is concerned, is the amount of money contributed by the Government. When the Government makes its contribution, and we lay out a plan for a road, and they agree to it, we know we have got by hook or by crook to raise all that the Government does not put up for the enterprise. It matters nothing in the world, except as an embargo on many of the Western States, to change the proportion from the one-half plan proposed by the committee.

Mr. SHAFROTH. By changing from the half plan to the one-fourth plan, if the amount of money which the Senator from Arizona has stated is to be appropriated, you could have two roads instead of one; that would be the difference.

The conditions in my State are almost identical with those described by the Senator from Arizona as existing in that State. There is not quite as much vacant land in Colorado, but we have large mountainous sections. Roads are built there principally by contributions from towns that want to get access to other parts of the State. Consequently there is no trouble with relation to that matter.

Mr. President, it seems to me that these are the two important things to be attained by this amendment, namely, getting twice as much road building for the same amount of money contributed by the National Government under the bill; and, the second is, getting an individual interest aroused which will prevent people from lobbying with and urging officials to construct roads which are not needed. You will find when an individual contribution is required, if the roads can not be obtained unless the contribution is made, that you will get good roads in every instance.

It is a small amount with which the Government is appropriating. As I have shown here, twenty times as much money is spent in every State in the Union by the State, county, and individuals as the States will get under the appropriations of the bill; yet the amount is going to grow, it is going to be larger and larger each year. If you start upon the basis of one-half, you will find that you will not get much road building. This amendment simply tends to increase the amount of road mileage which will be built.

Mr. BANKHEAD. Mr. President, I hope this amendment will not be adopted. To my mind, it spoils "the whole plan of salvation." So far as this bill is concerned, it is built upon different lines and upon a different theory from that contemplated in the amendment proposed by the Senator from Colorado; and I hope the Senate will promptly dispose of it by voting it down.

Mr. NORRIS. Will the Senator from Alabama yield to me?

Mr. BANKHEAD. I will.

Mr. NORRIS. Mr. President, I was under a misapprehension as to what part of the bill the amendment was offered. I supposed it was an amendment offered to come in on page 11 to strike out "50" and to insert "25." I want to ask the Senator from Alabama why it was or how it was that the committee reached the conclusion that a division on the basis of a 50 per cent contribution was the proper division? I refer to the language on page 11 of the bill, where it is provided that the payment by the Federal Government shall not exceed 50 per cent of the total estimated cost. Did the committee reach that conclusion after taking evidence or making investigation; and if so, what was it?

Mr. BANKHEAD. Mr. President, this question has been debated both in committee and in the Senate, and the general consensus of opinion has been, so far as I know, that the division provided for in the bill is a proper one; that the Government, if it is going to participate in the building of post roads at all—the Government is certainly authorized to do, and as it is certainly its duty to do—then it ought to be willing to pay one-half of the cost of the construction. That is the theory upon which the proposition was based.

Mr. NORRIS. I understood that the committee had reached that conclusion, but I was asking my question purely for information, because I have wondered a good while what part of the contribution ought to be made by the National Government. I was wondering if the committee in its investigation had

reached that conclusion after some tangible evidence or what their reasons were as to why the division should be made on that basis.

Mr. BANKHEAD. Our reason, as I have already said, was that, after very thorough discussion of the question, we thought it was a fair distribution between the States and the National Government.

Mr. NORRIS. Mr. President, I was temporarily out of the Chamber when the Senator from Colorado offered his amendment. From the conversation I had with him in regard to the proposed amendment I was under the impression that he was offering an amendment on page 11, line 21, to strike out "fifty" and insert "twenty-five."

Mr. SHAFROTH. I expect to follow the pending amendment with that amendment; but the amendment which is now pending comes in in the first part of the bill, after the first three lines.

Mr. NORRIS. Yes; I have had it pointed out to me.

Mr. SHAFROTH. Very well.

Mr. NORRIS. Mr. President, I told the Senator from Colorado in our conversation that I had made up my mind to offer an amendment on page 11, in line 21, to strike out "fifty" and insert "twenty-five." If the Senator is going to offer that amendment, of course I will not offer it; and I was under the impression when I came in and heard the debate that that was the pending amendment.

It seems to me that there are serious objections to the amendment of the Senator from Colorado now pending. I believe that the object sought to be accomplished could be fully met by such an amendment as I have indicated, and the questions I have asked the chairmen of the committee have been asked for the purpose of getting light on the subject.

Of course we must draw an arbitrary line somewhere. The committee has drawn it in the bill at 50 per cent. It may be that that is right; but to me it seems that we ought to make the contributions of the Federal Government just as small as we can make it, with a view of having all of the States take advantage of the appropriation. It seems to me that 50 per cent is entirely too large, and that if that were cut in two, and made 25 per cent, instead of 50 per cent, there is no State that would not take advantage of it, and it would result in more road building under the bill than though the bill were left as it is. I will have more to say, however, on that subject when the amendment is offered. At the time I took the floor I was under a misapprehension, and supposed that the amendment to which I have referred was pending. I do not care to take up the time of the Senate in discussing that amendment now, if the Senate is anxious to vote on the amendment which has been proposed by the Senator from Colorado, and which is now pending.

Mr. SMOOT. Mr. President, if this amendment is adopted, in my opinion, there will be little road building in any State in the Union.

Mr. GALLINGER. Under this bill?

Mr. SMOOT. Under this bill. It seems to me that it will be almost impossible to get the officials of the county, the officials of a State, and individuals to agree to provide \$3 for the Government's \$1 to build a road. The State may agree to it and the county not agree to it, or the State and the county may agree to it, and the individuals not agree to it. The amendment provides that each must contribute an amount equal to one-fourth of the estimated cost of the road. Under such a provision the State would not get \$1 of appropriations from the Government for building roads unless all agree.

Mr. SHAFROTH. Would the Senator object to a provision that the State, the county, and individuals shall contribute three-fourths?

Mr. SMOOT. That certainly would be better than the present provision.

Mr. SHAFROTH. I think the element of money paid by individuals is an important element; but, of course, if the amount could not be obtained under the present provisions of the amendment, it would be better to make it three-fourths from the three sources instead of one-fourth from each source.

Mr. SMOOT. The Senator must admit that under the wording of the amendment individuals could prevent any appropriation from the Government for building roads in any State in the Union under this bill.

Mr. SHAFROTH. Certainly; but the individual, above all others, is the one who is interested and wants the road.

Mr. SMOOT. Well, Mr. President, who pays the taxes which the State will contribute? The individual. Who pays the taxes which the county will contribute? The individual.

Mr. SHAFROTH. Not a particular individual, but all the individuals.

Mr. SMOOT. Mr. President, no individual will contribute unless he is directly interested in the road and in the locality where it is going to be built. There is no question, of course, so far as the money paid by the State is concerned, that it may be contributed in the form of taxes by individuals in the various counties of the State; but so far as the money that is to be contributed by the county is concerned, nearly all of it will be contributed by individuals who have to contribute the other one-fourth of the amount, and to me it seems that it would be perfectly useless to adopt this amendment, and if it is adopted, in my opinion there will be no road building under this bill.

Mr. STERLING. Mr. President, let me ask the Senator from Utah a question. If a road should cost, for example, \$10,000 a mile—and under this bill a road may cost \$20,000 a mile and the Government would contribute half of it—but say that a road costs \$10,000 a mile and the General Government contributes one-fourth, leaving \$7,500 to be divided between the State, the county, and individuals, the individual to pay \$2,500, how many individuals does the Senator think would be able to contribute that much as a road tax or how many roads would be built under such conditions?

Mr. SMOOT. Indeed, the question may be asked how many individuals will do that. The contributions will be voluntary; they are not compulsory; and I do not think it would be possible to secure a great many contributions from individuals under this plan.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Colorado [Mr. SHAFROTH] to the amendment reported by the committee.

The SECRETARY. After the word "roads," in line 22, page 6, it is proposed to amend the amendment of the committee by inserting:

By the payment of one-fourth of the total cost of any such road, in the manner and upon the conditions hereinafter provided, whenever individuals, the county, and State in which such road is situated shall each have contributed an amount equal to one-fourth of the estimated cost thereof.

Mr. KENYON. Mr. President, I think this is such an important amendment that we should have a quorum present; and I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, S. Dak.	O'Gorman	Sterling
Bankhead	Jones	Overman	Stone
Brandegee	Kenyon	Page	Swanson
Chilton	Kern	Pomerene	Taggart
Cummins	La Follette	Robinson	Underwood
Curtis	Lewis	Shafroth	Walsh
Gallinger	Lodge	Sheppard	Warren
Hitchcock	Martin, Va.	Simmons	Williams
Hollis	Martine, N. J.	Smith, Ariz.	
Hughes	Nelson	Smith, Mich.	
Johnson, Me.	Norris	Smoot	

Mr. WARREN. My colleague [Mr. CLARK of Wyoming] is unavoidably detained from the Chamber to-day.

Mr. SHEPPARD. I wish to state that the Senator from Mississippi [Mr. VARDAMAN] is absent on official business.

The PRESIDING OFFICER. Forty-one Senators have answered to their names. There is not a quorum present. The Secretary will call the list of absentees.

The Secretary called the names of the absent Senators, and Mr. LANE, Mr. MYERS, Mr. POINDEXTER, Mr. RANDELL, Mr. SMITH of Georgia, and Mr. THOMPSON answered to their names when called.

Mr. CHAMBERLAIN, Mr. BECKHAM, and Mr. BURLEIGH entered the Chamber and answered to their names.

Mr. BECKHAM. I wish to announce that the junior Senator from Tennessee [Mr. SHIELDS] is absent on account of illness in his family.

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present. The question is on the adoption of the amendment proposed by the Senator from Colorado to the amendment reported by the committee.

Mr. SHAFROTH. Mr. President, I desire to perfect my amendment before it is voted upon. In line 5 of the printed amendment I desire to strike out the word "each," and in line 6 to strike out "one-fourth" and insert "three-fourths," so as to read:

By the payment of one-fourth of the total cost of any such road, in the manner and upon the conditions hereinafter provided, whenever individuals, the county, and State in which such road is situated shall have contributed an amount equal to three-fourths of the estimated cost thereof.

It seems to me that that will bring about twice the road building that will be brought about under the bill in the form in which it was reported, and I offer the amendment in that form.

Mr. BANKHEAD. Mr. President, I hope the amendment will not be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado, as modified, to the amendment reported by the committee.

The amendment to the amendment was rejected.

Mr. CURTIS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 9, in line 5, after the word "time," it is proposed to add:

Provided, That in States where the constitution prohibits the State from engaging in any work of internal improvements, then the amount of the appropriation under this act apportioned to any such State shall be turned over to the highway department of the State or to the governor of said State, to be expended under the provisions of this act and under the rules and regulations of the Department of Agriculture, when any number of counties in any such State shall appropriate or provide the proportion or share needed to be raised in order to entitle such State to its part of the appropriation apportioned under this act.

Mr. BANKHEAD. Mr. President, I examined that amendment before the Senator offered it. I think it is a very proper amendment, and I hope it will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. NORRIS. Mr. President, on page 11, line 21, I move to strike out "50" and insert "25."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment on page 11, line 21, it is proposed to strike out "50" and insert "25," so that, if amended, it will read:

The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such project, which shall not exceed 25 per cent of the total estimated cost thereof.

Mr. NORRIS. Mr. President, it has seemed to me for some time that the Federal Government could well afford to contribute something toward the building of roads. As to just how the contribution ought to be made, as to just how much the contribution ought to be, as to the exact conditions under which the contribution should be made, there is a very wide difference of opinion, and I confess I have no well-defined idea in my own mind as to just what these conditions and these proportions ought to be. There are some reasons that have not yet been given in this debate, why it is perfectly legitimate for the Federal Government to make these contributions.

Originally, I think, roads, as a rule, were constructed by direct labor or by direct taxation in road districts, perhaps the smallest unit, and later on the unit was enlarged, and townships were required to look after the roads within the townships, and then counties, and then States; and now for several years there has been an agitation in favor of the Federal Government making some contribution. This bill is here in answer to that sentiment.

These changes in the road question have come about on account of the changed conditions of travel. When we had practically no travel, when the travel was confined to the oxcart and later on to the horse vehicle, there was not such a demand. There was more reason why the roads should be constructed and maintained by local authority. The development of the automobile, however, has enlarged the scope of the road question, and made it, to a certain extent at least, a national one.

I know it is argued by those who are opposed to Federal contribution that the States ought to build the roads. When it was first agitated that the States should build the roads, the opposition was on the ground that the counties ought to do it; and when it was first agitated that the counties should do it, the objection to that, at the beginning, was that it ought to be done by the townships. I think a fair examination and consideration of the question will lead the unbiased mind to the conclusion that all of these different geographical subdivisions ought to be taken into consideration, and that the Federal Government—not to all of the roads, but to some interstate highways, as I will call them—ought to contribute a share. The State ought to contribute, perhaps not to all of the roads within the State, but to those that are used for the purpose of connecting the counties or the business places in the counties of the State. It seems to me that the Federal Government ought to contribute something, the State ought to contribute something, the county ought to contribute something, and something ought to be contributed by those who receive a more direct benefit from the road.

We have no jurisdiction here over the State, over the county, or over the individuals, and we can only go as far as to say

what portion the Federal Government shall contribute and under what conditions the contribution shall be made; and, notwithstanding the views of some of those who object to this bill, I believe it is the object of this legislation for us to do that thing. The State, then, in raising its share of the funds can divide it up, for instance, as Ohio has done, by providing that the State shall pay, I believe, one-half and the county another proportion—

Mr. POMERENE. Mr. President, in Ohio the county pays 25 per cent, the township 15 per cent, and the property holders 10 per cent.

Mr. NORRIS. The county 25 per cent, the township 15 per cent, and those directly benefited the other 10 per cent. It seems to me that is a very fair division of it. But whatever that may be, so far as the State is concerned, each State will determine for itself; and this bill does not undertake to provide anything further than the division between the Federal Government and the State. I think the contribution of the Federal Government ought not to go to all of the roads in the country. It ought to be confined to a system of interstate highways; and, as I look at this bill, giving, as it does, to the Secretary of Agriculture power to say what the conditions shall be, what the specifications shall be, and where the roads shall be, it is intended to carry out that theory.

What proportion the Federal Government ought to pay is another question, as I said at the beginning, that is not well settled in my mind. Earlier in the day I asked some questions of the chairman of the committee with a view of getting some information on that subject, as to whether the committee had ascertained just what the proper division should be, whether it had taken any evidence or made any investigation to ascertain what the division should be; but, as I take it from the chairman's answer, the committee have just arbitrarily settled on the particular division of 50 per cent named in the bill because they believe it to be just, and I am not sure that the taking of evidence or further investigation would throw any additional light on the subject. It must necessarily be a question upon which minds will disagree.

To my mind this ought to be the basis: We ought to have the Federal Government contribute the smallest sum that will induce all of the States to take advantage of the law and get the Federal contribution. If we make the contribution too small, the States may not take advantage of it. If we make it too large, it becomes a Federal "pork-barrel" proposition, and puts upon the Federal Government too much of the burden of constructing the roads.

I believe most people will agree that the larger portion of the contribution made for the purpose of building good roads must be made by local authorities—State, county, and township, and those directly interested in the proposition. What the Federal Government ought to do is to make a contribution that would compensate for the interstate nature of the traffic, and, since the advent of the automobile, particularly, the interstate traffic upon what would be called interstate roads is quite an item.

You can go into almost any of the States and find highways bearing various names, upon which there is travel every day by people from almost every State in the Union. In my own State, on the great Lincoln Highway, passing through there, as it also passes through a large number of other States, you will find every day hundreds of automobiles from States outside of Nebraska. Where it passes through the State of Iowa you will find using the road hundreds of automobiles that are owned by people living outside of the limits of Iowa and who pay no tax in Iowa. Now, a contribution made by the Federal Government on the theory that the people of the entire Nation use these international highways, it seems to me, would be just and fair, providing the contribution were not unjust.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. NORRIS. I yield to the Senator.

Mr. GALLINGER. The Senator says that automobiles pass through the State of Iowa and pay no tax. Do they not pay an automobile tax?

Mr. NORRIS. I think not; no—not unless they are owned in Iowa.

Mr. GALLINGER. It is very different, then, from what it is in other parts of the country. Take it in the District of Columbia. We pay an automobile tax in the District of Columbia, and if we cross over the Maryland border we have to pay another automobile tax.

Mr. NORRIS. Yes; so I understand.

Mr. GALLINGER. That is a great abuse, I think.

Mr. NORRIS. I think so, too.

Mr. CUMMINS. Mr. President—

Mr. NORRIS. I yield to the Senator from Iowa.

Mr. CUMMINS. I can suggest the dividing line with respect to the payment of tax by foreign automobiles.

There is in this country a system of reciprocity with regard to automobile taxes. If an automobile proposing to enter the State of Iowa comes from a State which allows an Iowa automobile to enter its territory without pay, the automobile can pass into Iowa without pay; but when there is no such reciprocity established by the laws of the respective States, then it must pay the regular automobile fee, just as here. For instance, take Maryland. Maryland and Iowa are reciprocal States, and an automobile bearing an Iowa license can enter Maryland without any further pay, just as an automobile from Maryland can enter Iowa without pay.

Mr. GALLINGER. I wish that might be extended to the District of Columbia. The automobiles from Maryland and Virginia pass over our streets without any tax being assessed against them, but if we cross the border, either north or south, we have to take out a State license.

Mr. NORRIS. We can remedy that very easily by prohibiting their entrance into the District without payment unless they grant the same privilege to the automobiles of the District.

Mr. GALLINGER. I have been hoping that might be done. I know that I paid an automobile tax in Maryland of \$15 or thereabouts, and I think I have crossed the line twice.

Mr. NORRIS. I read very frequently of automobilists from the District being arrested if they pass over the line. It always seemed to me it was a hardship. I do not suffer directly, because I have not been able yet to buy even a Ford, so that I am not bothered in that way; but—

Mr. GALLINGER. In view of what has seemed to happen in the State of Nebraska, perhaps the Senator will be favored to some extent. [Laughter.]

Mr. NORRIS. I hope so. It may be that if I had been there and had contributed to the result I might have some claim for one; but as it is I have not.

Mr. President, I have talked with many people who have crossed the continent in automobiles, and have asked them whether they had any trouble, and almost invariably they say they passed from one ocean to the other without ever being interrupted or caused any inconvenience whatever.

What I have said about the automobile applies to the automobile truck as well. There are many places where there is a great deal of interstate traffic in produce from the farm. It applies also to the carrying of the mails; and I can see how it is going to be extended, it seems to me, greatly. All these things indicate to me that it is not unfair that the Federal Government should pay something toward the upbuilding of interstate highways.

I remember that when I was a boy and lived on a farm in Ohio we were compelled to work on the road to pay for the levy that was made against the land that we owned; and that was about the only attention that was given to the road. It was worked by the various people who lived in the community, and, of course, as a rule, very poor work was done. As I said a while ago, we passed from that era. The city man became interested in the country roads. He is interested in a great many ways, and by taxation he ought to be required to pay something toward the upkeep of the road and toward its building, and so we can carry it on clear through to the Nation. It has become a national question as well as a local one.

Mr. President, there is no system of constructing highways that is complete unless the law provides for the maintenance of the highway after it has been constructed. It would be folly, I think, for any legislative body, State or national, to provide for the building of highways unless there was a provision in the law for the maintenance of the highway after it was constructed. It has always seemed to me that the authorities—the State authorities, perhaps—ought to maintain men who do nothing else but look after the highways, just as the railroads maintain section men, because everybody knows that where a little damage is done to a road a little work done immediately after the damage will save the expenditure perhaps of hundreds of dollars—if the matter were neglected for a week or 10 days. This bill, it seems to me, makes a pretty good provision about the maintenance of the highways. I have sometimes wondered whether it would not be fair and whether it would not be right for the Federal Government to pay a portion of the maintenance fee. There is not any such thing provided in this bill, and I am not sure that the bill is right in that respect. The State that does not maintain the highway that has been constructed, where there has been a Federal contribution toward its construction, will immediately lose the right to get any further Federal contribution if the Secretary desires to enforce the law. I think in that respect the bill is

not exactly what it ought to be; and I expect later on to offer an amendment that will make it compulsory upon the Secretary of Agriculture to refuse any further contribution in case the roads constructed in any State are not properly maintained by that State. As the bill is now drawn, it seems to me it gives some leeway by which the Secretary might permit States to disregard their duties in this respect.

Now, Mr. President, coming down to the particular amendment I have offered—

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. I yield to the Senator.

Mr. CUMMINS. Before the Senator from Nebraska passes to the amendment he has in mind, I should like to ask him a question that has rather a broad scope, and that presents at least one of the difficulties in my mind. I should like a little aid from him, if he is willing to give it.

Promising the question with a statement, I may suggest that in my State the aggregate length of the highways is, I believe, 107,000 miles. If all these highways were improved, as some time they must be, at a cost, we will say, of \$6,000 a mile, the entire expense would be nearly \$700,000,000. This bill proposes to give to my State, in the course of five years, a little more than \$2,000,000. That, of course, is but a drop in the bucket, it is almost a negligible amount, as compared with the entire expense of improving all the highways of my State. Each State must have a system which ultimately will cover the improvement of all the highways of the State that are to be improved, the manner of their improvement, the kind of material that is to be used in the improvement, and everything of that sort.

Under this bill the Federal Government, represented by the Secretary of Agriculture, I believe, must be consulted with reference to the location of the highway to be improved and the kind of improvement that is to be put upon it. I have doubted the effect of that interference. I have wondered whether the amount proposed to be given to a State is compensation for the attempt to adjust what may be the policy of the State with regard to the improvement and the opinion of the Secretary of Agriculture with regard to the improvement. I should like to have the Senator's view about the conflict which may arise between the view of the State officials or the view of the State legislature and the view of the Secretary of Agriculture with regard to the improvement of highways, and whether, if that difference is not reconciled, it would be fair to make a State that can not adjust its system to the opinion of the Secretary of Agriculture pay any part of the tax which must necessarily be levied in order that other States that can so adjust themselves shall be benefited by the appropriation.

Mr. BANKHEAD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. I should like to answer the Senator from Iowa before I yield further.

I can see how it is possible under this bill for very serious disagreement to take place between the State authorities and the Secretary of Agriculture. I should be glad to obviate that in the bill, if I could, but I do not know how it could be done. It seems to me that it is impossible to obviate that possible difficulty, although I do not think it is a probable one, if we retain, as I think we must, the right to say to the State what kind of road shall be built, providing the State gets Federal aid.

I can see how a Secretary of Agriculture and the authorities of the State of Iowa might get into a dispute and both be stubborn and unreasonable, or one of them be unreasonable, and not accomplish anything. As I said, on the other hand, I do not know how to obviate that possibility, but the probabilities are that there will be no such difficulty. I take it that the Secretary of Agriculture will be anxious to do what is fair and what is right, and that he will provide rules and regulations for the building of these roads that will apply alike to all of the States, and that he will treat Iowa the same as he will treat Illinois; that States having similar territory or similar conditions to meet in the construction of roads will be treated along the same line. On the other hand, the officials of Iowa, being anxious to get the Federal contribution, will necessarily pay some attention to the ideas of the Secretary of Agriculture. It means that we are leaving this matter to a board consisting of a State authority and a Federal authority, and there must be an agreement of those two authorities before any road can be constructed or Federal aid obtained. If there is any way to avoid the difficulty that may possibly arise, I should be glad, of course, to see it done.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska further yield to the Senator from Iowa?

Mr. NORRIS. Certainly.

Mr. CUMMINS. May I make the possible controversy a little more concrete? I think in many of the Western States—I know in my own—there is now going on a controversy with regard to the improvement of highways. One school of statesmen or engineers insist that gravel roads are all that are necessary and that the proposal to put down hard-surfaced roads at an expense of ten, twelve, or fifteen thousand dollars a mile is unwise and unnecessary. There is another body of men who are just as certain that the roads ought to be of some hard-surfaced variety, either macadam or brick or cement, or some material of that sort.

Now, suppose that my State was finally to conclude—and I am not saying that it will, and I am not suggesting that I hope it will—that the gravel road, which is fairly usable for 365 days of the year, is the best way, everything considered, to deal with the question. The Secretary of Agriculture says that a hard-surfaced road is the only true solution of the present difficulty. He could take money from the Federal Treasury and put down a little hard-surface road in some particular locality and leave all the rest of the State under the general policy that it might adopt for the gravel road. That is what I have in mind.

Mr. NORRIS. Yes. I can see, of course, there is a possibility of a dispute there that might be serious. That same possibility exists in the Senator's own State among the authorities of his State. If he were going to build a road in Iowa and this bill were not passed, he would have, as he says, some citizens of Iowa, some engineers who would say, "We must have a brick pavement." Other engineers would say, "We want a gravel road." Other engineers would say, "We must not only have a brick pavement, but we must have some certain specifications in regard to the foundations for the brick."

Mr. STERLING. Mr. President—

Mr. NORRIS. I will yield to the Senator in just a moment. There is endless opportunity for disagreement; but in Iowa, without any Federal aid, they would have to come to some conclusion at some time through some instrumentality or get no road; and of course it would be that way with the Federal conditions. I yield to the Senator from South Dakota.

Mr. STERLING. The Senator from Nebraska has answered partly my question in the last statement he made. It seems to me it rests within the State among the engineers in regard to the material of which the road shall be constructed or how it shall be constructed before Federal aid can be invoked. It must be settled by the State authority, by the highway commission of the State, for example.

Mr. CUMMINS. I am assuming just that; but suppose it does not suit the Secretary of Agriculture?

Mr. NORRIS. It would have to suit the Secretary of Agriculture.

Mr. CUMMINS. Precisely; and therefore all our roads would have to be built with the consent of the Secretary of Agriculture.

Mr. STERLING. While I agree, in the main, that it will have to suit the Secretary of Agriculture as to the plan of construction, the material of which constructed, and so forth, yet I think the Secretary of Agriculture must, in the various States with their different conditions, take into consideration the conditions in those States. For example, in Iowa or in South Dakota it would be impossible to get the material without too great a cost with which to build a hard road. He would agree to Federal aid with the construction of a road with such material as they had.

Mr. NORRIS. I have no doubt there would be no serious difficulty. The Secretary of Agriculture would be anxious, and so would the State authorities, to get the best possible roads for the money expended. We must remember that under this bill the amount that goes to any State is a definite fixed sum. I presume the Secretary of Agriculture, wanting to do what was right and to get the most good roads possible, would be guided a great deal by the opinion and the judgment of the engineers who represented the State authorities of a particular State where he was building a road.

Mr. SWANSON. If the Senator will permit me, I was on the subcommittee with the senior Senator from Alabama [Mr. BANKHEAD] and aided in preparing the bill, and I answered the very objection that has been presented by the Senator from Iowa. At the beginning of the bill the first section provides—

That the Secretary of Agriculture is authorized to cooperate with the States.

We think that language is as strong as could be made without absolutely surrendering the right of supervision. It is the

purpose of the bill to have cooperation and to aid the States in the initiation. If the Senator will consider the full force of the word "cooperation," he will see that it is about the strongest term we could use without absolutely surrendering the right to see that the money is properly expended.

Mr. CUMMINS. I agree that there is some difference between cooperation and coercion, but section 6 of the bill says specifically—

That any State desiring to avail itself of the benefits of this act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein. If the Secretary of Agriculture approve a project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require.

And thereafter the bill says:

If the Secretary of Agriculture approve the plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury.

I assume that the Secretary of Agriculture will exercise an honest judgment, but there is a great variety in honest judgment, and I can easily see how the controversy will arise, because it is in my State now in the most aggravated and intense form; neither side is willing to give up.

Mr. NORRIS. Now, right here suppose we have a Secretary of Agriculture to come in during this dispute that is existing in Iowa and decide the question?

Mr. CUMMINS. That would make it very much worse than it is now. The only way we can ever settle that dispute is in the Legislature of the State of Iowa, whose law or whose decision will not convince but control all the people of the State.

Mr. SWANSON. If the Senator will permit me—

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. SWANSON. This bill was prepared with a view that the initiation in the plans and the character of the roads and the method of construction shall be with the States. The department can not originate a proposition; it must be brought here by the State authorities. Consequently there is no limitation as to the amount to be spent, except that it can not exceed \$10,000. There is a limitation in the bill.

Mr. CUMMINS. A limitation on the Government.

Mr. SWANSON. On the Government. The Government can contribute no more than that.

Mr. CUMMINS. Do you contemplate having roads built that cost \$20,000 a mile?

Mr. SWANSON. No; they can not exceed that. If the Senator from Nebraska will permit me, we have had the same discussion in every State near the cities where the travel is immense, and a gravel road is very quickly destroyed, and the State and county insist on a surfaced road. Where the travel is very small through Virginia and other States a gravel road or a sand-clay road is constructed by the State authorities, and those roads are being approved. When we had the appropriation of \$500,000 for experimental purposes in the Post Office appropriation act, the Federal department approved various kinds of roads as were desired and needed by the State authorities.

Mr. CUMMINS. Personally—

Mr. SWANSON. I do not see how the Senator can have language stronger by leaving it to the States to initiate and making it cooperative without absolutely turning the money loose and with the chance that a great deal of it would be wasted.

Mr. CUMMINS. I am not in favor of that. I was originally in favor of what is known commonly as the Bourne plan, in which the Government loaned its credit to the State and assumed that it would enable the State in the course of 47 years to take advantage of the credit of the General Government to receive a great deal more money than is proposed here without costing the Federal Government anything and without any supervision as to the character of road that should be built by this loan. That seems to be impracticable at the present time. While I do not say I am going to vote against this bill, for I am very much in favor of Federal aid to roads, and I think it is due the country that the Federal Government should spend money in the improvement of the highways, my impression has been toward the selection of certain prominent roads in a State, and allowing the General Government to build those roads in any way it saw fit to build them. For instance, take the Lincoln highway. The Federal Government takes the Lincoln highway across Iowa and across Nebraska and builds it so that it would be an example of the best highway building in the country. In my judgment that would do very much more for the cause than to spend a similar amount of money through a State in this way.

Mr. SWANSON. If the Senator will permit me, this bill was drawn so that a thing of that kind can be done in Iowa or Nebraska. With the money you get under this bill, if it is desired by Nebraska and Iowa, and request is made to the department, and that is the proposition presented, and if the plans and specifications are proper, it can be approved. It was fixed so that the States themselves could determine the road upon which the money should be expended.

I think if the Senator from Nebraska will consider he will see why we could not adopt the amendment limiting it entirely to 25 per cent. There was a great deal of debate in the committee and in the subcommittee as to what sum should be fixed definitely that the Federal Government should pay. Some wanted it one-third, some wanted one-fourth, some wanted one-half, and, after much discussion and consideration, the conclusion was reached that not exceeding one-half should be the term used. That would allow latitude also to let the States adopt as they may see fit, one-fourth or one-third, but not exceeding one-half. There are some large States where there is a great deal of population, but there are other States where the population is sparse and the expense is large and they could not construct good roads if limited to one-fourth or one-third. There was a great deal of difficulty in getting some States to take hold of the \$500,000 which was appropriated in the Post Office appropriation act, dividing it among the States. It provided for one-third, a specific sum, and some States would not even accept that, stating that rather than to be bothered with it they would let it go. With the specifications and all they gave it up and it went to other States. After considering this matter in all its phases—

The PRESIDING OFFICER. Does the Senator from Nebraska surrender the floor?

Mr. NORRIS. I do not intend to do so.

Mr. BANKHEAD. Will the Senator from Nebraska kindly yield to me to ask him a question?

Mr. NORRIS. I should like to have a chance to answer some of the questions, and then I will be glad to yield. I should like to get in a word myself before the Chair decides that I have lost the floor.

Mr. President, I think the objection made by the Senator from Iowa could be applied to any possible bill that could be brought before the Senate, not only on the building of roads but anything else. There must be some discretion somewhere. Somebody must be left to determine what is the proper plan, the proper conditions, the proper specifications. If we had a bill here to build a public building and we decided that it should be left, as we have often done, to a commission consisting of the Secretary of State, the Secretary of War, and the Secretary of the Treasury to decide on the plans, the objection might be made that those three men would never agree, and it is possible that after the money is appropriated and the law passed we would get no building because it would be possible for them to disagree. There is not a bill providing for a judgeship but what there is a possibility of some one being selected to carry out the provisions of the law who will be dishonest, who will be unreasonable, or who will be incompetent.

It seems to me that, in the first place, we ought not at least to pass a law that will turn money over to the State and let them build as they please, under any conditions that they see fit, and at any place that they may see fit. That is contrary to the theory on which we are trying to get aid to some of the interstate highways.

Mr. President, as to the particular amendment that I have offered, we must bear in mind that the amount we have appropriated for each State is specific, it is definite. This amendment has nothing to do with that. I see the Senator from Alabama [Mr. BANKHEAD] has returned to the Chamber. I yield to him now.

Mr. BANKHEAD. I understood the Senator from Nebraska to say that he intended to offer an amendment to the bill providing that the Secretary of Agriculture should withhold the appropriation made for a State unless the State maintained the road. Am I correct in that?

Mr. NORRIS. Yes; the Senator is correct.

Mr. BANKHEAD. Now, I want to ask the Senator if he has read section 7 of the bill?

Mr. NORRIS. Yes; I have read the entire bill.

Mr. BANKHEAD. If he has not, when he reads it, I ask him if he does not think that covers the ground entirely? I make the suggestion in order that we may avoid delay in discussing or voting upon amendments that are entirely covered by the bill.

Mr. NORRIS. The Senator is laboring under a misapprehension if he thinks I have not read the bill. He is laboring

under another misapprehension if he thinks I have not read section 7. I have one amendment pending on page 11, but I expect to offer an amendment to section 7 to strike out in section 7 the words "is authorized to" and insert in lieu thereof the word "shall," so that, if adopted, the bill will read:

That the Secretary of Agriculture shall withhold apportionment of funds to any State—

And so forth, instead of reading as it does now:

That the Secretary of Agriculture is authorized to withhold—

And so forth.

Mr. President, I am going back again to the amendment that is now pending. The effect of the amendment, as I started to say a while ago, if adopted, would be, from every dollar appropriated out of the Federal Treasury, to get just twice as much road under this bill as we would if the amendment were not adopted. In other words, suppose a State should receive a million dollars as its portion of the fund in any one year, instead of spreading that million dollars out over a length of road that could be built for \$2,000,000, where the State would have to contribute the other half, it would spread it out over just twice that much road. In other words, the State would have to build 2 miles instead of 1 to get the same contribution.

Mr. TOWNSEND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. NORRIS. I yield to the Senator.

Mr. TOWNSEND. Why not put it down to one-tenth, then, and get ten times as much road.

Mr. NORRIS. I will answer that question, Mr. President. It is a proper question. It has been asked and answered before to-day, but I will take it up again. Why not put it down to 25 cents a mile or one-twentieth, as the Senator from Utah [Mr. SMOOT] said? Mr. President, this is the answer to it: It is because that would be no inducement to the State to make application for Federal funds. It would be no inducement to the State to construct a road under this bill. It would be so small that it would not pay to make the application and comply with the law, and hence no road would be built under the law. As I said at the beginning, if my judgment is right, we ought to fix the contribution as small as we can and yet get each State to take advantage of the provisions of the bill.

Mr. KENYON. Mr. President—

Mr. NORRIS. I yield to the Senator from Iowa.

Mr. KENYON. Under the Senator's amendment, reducing from 50 per cent to 25 per cent, why not reduce the appropriation one-half?

Mr. NORRIS. That could be done.

Mr. KENYON. It is a little contrary to custom; but would not that be a good thing?

Mr. NORRIS. That might not be the proper thing to do. Of course, this division is arbitrary and the appropriation is arbitrary. I am not sure but that that might be a good idea. That, however, has nothing to do with the merits of this amendment.

Some Senators ask, Why not cut this down? Let us take the other view of it and ask, Why not raise it? Why not say that the States shall contribute 10 cents for each mile of road constructed out of funds from the Federal Treasury? Would we want that? Is there anybody here who would want to advocate that kind of a proposition? I think not. Immediately we would get on dangerous ground. That is an extreme. If we fix the amount to be paid by the Government at one-twentieth, that would be the other extreme. It may be that 25 per cent is right; it may be that 50 per cent is right; but I believe that every State would take advantage of the law if the amount were fixed at 25 per cent, the same as it would if the rate were fixed at 50 per cent. As has been shown here this afternoon by the Senator from Colorado [Mr. SHAFROTH], in the last year every State in the Union has expended twenty times—I believe those were the figures—more money for the construction of roads within its limits than it would have to pay to get the advantage of this bill if the amount were fixed at 25 per cent instead of 50 per cent.

Mr. President, is there anything sacred about this 50 per cent? Is it like the famous, time-honored, sacred, but rather abandoned, theory of 16 to 1, and that nothing else will do except 50 per cent? Would 49 per cent hurt? Would 51 per cent be criminal? It is possible that some other provision ought to be made than the one I have drawn in my amendment; I am not contending anything to the contrary. My own judgment is we could put it still lower, because, after all, this contribution is not going to be a drop in the bucket so far as the construction of the highways of the Union are concerned. Every State has got to build and will build and does build many times more

highways than it would build under the provisions of this law; and so long as the States are going to build more roads anyway, it seems to me as to the contribution that the Federal Government makes, it would be wise to spread it out over as great a length of road as possible, and get what I think everybody will concede will be a first-class road, and require the States to properly maintain the road after it is constructed.

The nearer you put the Federal contribution to the total cost of the road, the nearer you come to making a "pork-barrel" proposition of the whole thing; and the nearer you approach the other limit, so low, but yet so high, that the State will consider it a benefit to take advantage of the law, you come that much nearer to perfection in the bill, as I look at it.

It seems to me, therefore, that we ought to adopt an amendment that would cut down the Federal contribution at least as far as the amendment I have proposed does so.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska [Mr. NORRIS] to the amendment reported by the committee. [Putting the question.] By the sound the Chair is unable to decide.

Mr. KENYON and Mr. NORRIS called for the yeas and nays, Mr. BANKHEAD. Mr. President, I should like to know what the motion is.

Mr. VARDAMAN. Mr. President, I rise to a parliamentary inquiry. What is the exact question?

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Nebraska [Mr. NORRIS] to the amendment reported by the committee. The Secretary will state the amendment to the amendment.

Mr. BANKHEAD. I hope the amendment will not be adopted.

The SECRETARY. On page 11 of the committee amendment, line 21, it is proposed to strike out "fifty" and to insert "twenty-five," so as to read:

The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such project, which shall not exceed 25 per cent upon the total estimated cost thereof.

The PRESIDING OFFICER. The yeas and nays are called for.

The yeas and nays were ordered, and the Secretary proceeded to call the roll:

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN]. In his absence I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COIT]. In his absence I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. SIMMONS (when his name was called). I inquire whether the junior Senator from Minnesota [Mr. CLAPP] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. SIMMONS. I transfer my pair with that Senator to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Maryland [Mr. LEE] and vote "nay."

Mr. STERLING (when his name was called). I am paired with the Senator from South Carolina [Mr. SMITH]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Kansas [Mr. THOMPSON] and vote "nay."

Mr. SUTHERLAND (when his name was called). I wish to inquire if the Senator from Arkansas [Mr. CLARKE] has voted?

The PRESIDING OFFICER. The Chair is informed he has not voted.

Mr. SUTHERLAND. I have a general pair with that Senator, and therefore withhold my vote.

Mr. SHAFROTH (when the name of Mr. THOMAS was called). I announce the absence of my colleague [Mr. THOMAS] on account of illness.

Mr. TOWNSEND (when his name was called). I have a general pair with the junior Senator from Florida [Mr. BRYAN], but I believe if he were present he would vote as I am going to vote, and therefore I will vote. I vote "nay."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. In his absence I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. WALSH (when his name was called). I inquire whether the Senator from Rhode Island [Mr. LIPPITT] has voted?

The PRESIDING OFFICER. The Chair is informed the Senator from Rhode Island has not voted.

Mr. WALSH. I have a general pair with that Senator, which I transfer to the Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Tennessee [Mr. LEA] and vote "nay."

The roll call was concluded.

Mr. GALLINGER. I inquire if the senior Senator from New York [Mr. O'GORMAN] has voted?

The PRESIDING OFFICER. The Chair is informed he has not voted.

Mr. GALLINGER. I have a general pair with that Senator, and in his absence will withhold my vote; but will be glad to be counted to make a quorum if necessary. I shall not object to that being done.

Mr. WARREN. I wish to announce the absence of my colleague [Mr. CLARK of Wyoming], who is paired with the Senator from Missouri [Mr. STONE], as stated by that Senator.

Mr. CHILTON. I have a pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. JAMES. I desire to announce that my colleague [Mr. BECKHAM] is unavoidably detained, and is paired with the Senator from Delaware [Mr. DU PONT].

I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Wisconsin [Mr. HUSTING] and vote "nay."

Mr. LA FOLLETTE. I wish to announce the unavoidable absence of the junior Senator from Wisconsin [Mr. HUSTING], who is paired on this vote, under the statement of the Senator from Kentucky [Mr. JAMES], with the Senator from Massachusetts [Mr. WEEKS].

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from South Dakota [Mr. JOHNSON] and vote "nay."

Mr. GALLINGER. I am requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from North Dakota [Mr. McCUMBER] with the Senator from Colorado [Mr. THOMAS];

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER]; and

The Senator from Kansas [Mr. CURTIS] with the Senator from Georgia [Mr. HARDWICK].

The yeas and nays resulted—yeas 11, nays 36, as follows:

YEAS—11.

Brandegee	Jones	Oliver	Shafroth
Cummins	Kenyon	Page	Wadsworth
Hughes	Norris	Pomerene	

NAYS—36.

Ashurst	La Follette	Ransdell	Stone
Bankhead	Lane	Robinson	Swanson
Burleigh	Lewis	Sheppard	Tillman
Chamberlain	Martin, Va.	Simmons	Townsend
Chilton	Martine, N. J.	Smith, Ariz.	Underwood
Gronna	Myers	Smith, Ga.	Vardaman
Holls	Overman	Smith, Mich.	Walsh
James	Pittman	Smoot	Warren
Johnson, Me.	Polindexter	Sterling	Williams

NOT VOTING—49.

Beckham	du Pont	Lee, Md.	Sherman
Borah	Fall	Lippitt	Shields
Brady	Fletcher	Lodge	Smith, Md.
Broussard	Gallinger	McCumber	Smith, S. C.
Bryan	Goff	McLean	Sutherland
Catron	Gore	Nelson	Taggart
Clapp	Harding	Newlands	Thomas
Clark, Wyo.	Hardwick	O'Gorman	Thompson
Clarke, Ark.	Hitchcock	Owen	Weeks
Colt	Husting	Penrose	Works
Culbertson	Johnson, S. Dak.	Phelan	
Curtis	Kern	Reed	
Dillingham	Lea, Tenn.	Saulsbury	

The PRESIDING OFFICER. On the amendment of the Senator from Nebraska to the amendment reported by the committee, the yeas are 11 and the nays 36. The Senator from Delaware [Mr. SAULSBURY], the Senator from Utah [Mr. SUTHERLAND], and the Senator from New Hampshire [Mr. GALLINGER] being present but not voting, a quorum is present, and the amendment is rejected.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 42 minutes p. m.), on motion of Mr. BANKHEAD, the Senate took a recess until to-morrow, Friday, April 21, 1916, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 20, 1916.

ASSISTANT SECRETARY OF WAR.

William M. Ingraham to be Assistant Secretary of War.

RECEIVER OF PUBLIC MONEYS.

Andrew J. Foster to be receiver of public moneys at Lakeview, Oreg.

POSTMASTERS.

GEORGIA.

Stephen B. Pace, Carrollton.
R. C. Thornton, Hartwell.

ILLINOIS.

Joseph H. Wagoner, Glenelg.

MISSISSIPPI.

W. N. Guyton, Blue Mountain.

NEW JERSEY.

J. H. Barcklow, Moorestown.

VIRGINIA.

Sidney Sheltman, Christiansburg.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 20, 1916.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our Heavenly Father, we appeal to Thee with all the fervor of our soul in the present crisis and pray most earnestly that the strained relations 'twixt our Government and the Government of Germany may be justly and amicably adjusted without violence, for what affects one nation affects all nations for weal or for woe. Already the earth is reeking with the blood of innocent men, women, and children. Millions are dead and other millions are maimed for life. Thousands of homes have been destroyed and desolation stalks over the land where once peace and happiness reigned. Move, we beseech Thee, upon the hearts of those responsible for the awful conditions existing in half the world. Teach them and all mankind the art of living together in peace and harmony; that love may fill all hearts, all homes, all peoples, that Thy kingdom may indeed come and Thy will be done on earth as it is in heaven. In the name of the Prince of Peace. For Thine is the kingdom and the power and the glory forever. Amen.

CALL OF THE HOUSE.

The SPEAKER. The Clerk will read the Journal.

Mr. GARD. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. GARD. I make the point that there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point that there is no quorum present.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from North Carolina moves a call of the House.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. GARD. Mr. Speaker, I withdraw the point of order.

Mr. MANN. It is too late.

The SPEAKER. It is too late. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Anthony	Cooper, Ohio	Evans	Graham
Browne	Copley	Fairchild	Grist
Burnett	Dale, N. Y.	Farley	Griffin
Cantrill	Davis, Minn.	Flynn	Guernsey
Carter, Mass.	Decker	Foss	Hart
Cary	Dempsey	Frear	Heaton
Casey	Dewalt	Gallivan	Henry
Chandler, N. Y.	Dooling	Gardner	Hill
Chapfield	Driscoll	Good	Jacoway
Coady	Dupré	Goodwin, Ark.	Johnson, S. Dak.